



LEGISLATIVE AND PUBLIC POLICY COMMITTEE MEETING NOTICE/AGENDA

Posted at www.scdd.ca.gov

DATE: Thursday, May 24, 2012
TIME: 10:30 a.m. – 3:00 p.m.
LOCATION: State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811
(916) 322-8481

Pursuant to Government Code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in the meeting, should contact Michael Brett at (916) 322-8481 or michael.brett@scdd.ca.gov by 5:00 pm, May 21, 2012.

**Denotes action item.*

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| 1. CALL TO ORDER | R. Ceragioli | |
| 2. ESTABLISHMENT OF QUORUM | R. Ceragioli | |
| 3. INTRODUCTIONS AND ANNOUNCEMENT S | R. Ceragioli | |
| 4. *APPROVAL OF 4/19/12 MINUTES | R. Ceragioli | 3 |

5. PUBLIC COMMENTS

*This item is for members of the public only to provide comments and/or present information to the Committee on matters **not** on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Committee will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.*

6. LEGISLATIVE ISSUES

A. State Legislation

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*vii.	Senate Bill 1267- Information	C. Risley	154
viii.	Assembly Bill 2338 Update- Employment	C. Arroyo	

B. Budget Update

*i.	2012-13 Governor's May Revision	C. Risley	
ii.	2013 Federal Budget	C. Risley	

C.	SCDD Legislative Update	C. Arroyo	169
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7.	Ensuring Fair & Equal Access to Regional Center Services for Autism Spectrum Disorders Hearing	R. Smith	225
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8.	AREA BOARD LEGISLATIVE UPDATES	R. Smith	
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9.	ADJOURNMENT	R. Ceragioli	
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For a additional information regarding this agenda, please contact Michael Brett, 1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481

DRAFT
Legislative & Public Policy (LPPC) Committee Minutes
Thursday, April 19, 2012

Members Present

Ray Ceragioli, Chair
Jennifer Allen
Marilyn Barraza
Dan Boomer
Lisa Cooley
Connie Lapin
Rocio Smith

Members Absent

David Mulvaney
Tho Vinh Banh
Margaret Shipp
Leroy Shipp

Others Present

Karim Alipourfard
Christofer Arroyo
Melissa Corral
Thomas Johnson
Carol Risley

1. CALL TO ORDER

Ray Ceragioli, Chairperson, called the meeting to order at 10:33 AM.

2. ESTABLISHMENT OF A QUORUM

A quorum was established.

3. INTRODUCTIONS AND ANNOUNCEMENTS

Members introduced themselves. Connie Lapin talked about the hearing regarding access to services to be conducted on April 30, 2012; requested additional information regarding HR 4297, Workforce; and, talked about the combining of aging and developmental disabilities programs at the national level.

4. APPROVAL OF 3/15/12 MINUTES

It was moved, seconded (Boomer/Allen), and carried to approve the LPPC minutes as written.

5. PUBLIC COMMENTS

There were no public comments.

6. LEGISLATIVE ISSUES

Senate Bill (SB) 1186, Assembly Bill (AB) 2325, SB 1163, and AB 1994 were reviewed. It was moved, seconded (Barraza/Boomer), and carried to oppose SB 1186, AB 2325, SB 1163, and AB 1994.

AB 2623 was reviewed. It was moved, seconded (Lapin/Boomer) and carried to oppose AB 2623.

SB 1377 was reviewed. It was moved, seconded (Lapin/Allen) and carried to support SB 1377.

SB 764 was reviewed. It was moved, seconded (Barraza/Boomer) and carried to support SB 764 if amended to clarify that telehealth is one of the choices, not necessarily the first or only manner to access ABA or IBI services during the demonstration project; that the use of telehealth is not intended to replace face-to-face services if that option is in the best interests of the consumer and/or family to achieve the outcomes of the IPP; that telehealth services be available and appropriate for California's diverse cultures; and to require the department to issue instructions regarding implementation of telehealth ABA and IBI services during the demonstration to assure statewide continuity and oversight.

AB 2338 was reviewed and it was noted that the Council's Executive Committee had already acted to support and sponsor AB 2338.

AB 1244 and SB 770 were reviewed.

AB 2538 was reviewed. It was moved, seconded (Barraza/Ceragioli) and carried to watch AB 2538.

AB 1841 was reviewed. It was moved, seconded (Barraza/Cooley) and carried to support AB 1841 if amended to include standards for individual choice in the general exception criteria.

AB 2074 was reviewed. It was moved, seconded (Lapin/Barraza) and carried to watch AB 2074.

AB 2370 and SB 1381 were reviewed. It was moved, seconded (Barraza/Cooley) and carried to support AB 2370 and SB 1381.

An update regarding the state budget was provided to the LPPC.

A number of bills worthy of the LPPC's attention were mentioned: SB 1392, SB 1220, SB 1267, SB 1522, SB 1051, and HR 4297.

7. AREA BOARD LEGISLATIVE UPDATES

No updates were provided.

8. ADJOURNMENT

The meeting was adjourned at 1:30 PM.

COUNCIL AGENDA ITEM DETAIL SHEET

BILL NUMBER/ISSUE: SB 1186: Special access: liability.

SUMMARY: Sponsored by the authors, this bill would:

- Require an attorney to provide a written advisory to a building owner or tenant with each complaint or settlement demand for all accessibility claims. The requirement to provide the written advisory would apply where the attorney or party has filed a complaint in state or federal court on the basis of one or more construction-related accessibility claims.
- Prohibit an attorney or other person from issuing a "Demand for Money" to a building owner or tenant, or an agent or employee of a building owner or tenant, or from receiving any payment settlement, compensation, or other remuneration pursuant to a demand for money that is provided or issued without or prior to the filing of complaint on the basis of one or more construction-related accessibility violations, as specified.
- Require an attorney to provide to a building owner or tenant, or an agent or employee of a building owner or tenant, a document that notifies the recipient of any alleged construction-related accessibility violation that may be a basis for damages claim at least 30 days prior to filing any claim for damage based on an alleged construction-related accessibility violation or violations, except in a case solely seeking injunctive relief.
- Assert that a violation of these requirements may subject the attorney to disciplinary action.

BACKGROUND:

Existing federal law, the ADA, provides that no individual shall be discriminated against on the basis of disability. Persons with a disability have the right to full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation. According to ADA persons with disabilities have the right to start a civil action if the responsible party fails to remove the structural barriers to entry into existing public accommodations.

Existing California law, the Unruh Civil Rights Act, declares that all persons, regardless of sex, race, color, religion, ancestry, national origin, disability or medical condition, are entitled to the full and equal accommodations, advantages, facilities privileges, or services in all business establishments of every kind whatsoever. A violation of the ADA also constitutes a violation of Unruh. The violation of this section is subject to actual damages incurred by an injured party, treble actual damages but not less than \$4,000, and any attorney's fees as the court may determine to be proper.

ANALYSIS/DISCUSSION: The new version of SB 1186 is a departure from the original bill and here the emphasis is on problem solving by involving various parties including the owner of the building, the business owner, tenant, Certified Access Specialist, the attorney to the aggrieved party, etc. However, it does not resolve the main problem that is putting a small number of offending attorneys and their clients in the same category with the majority of people with disabilities who have not been involved in nor benefitted from such litigations. This bill as it is written would subject all people with disabilities, including those with legitimate reasons for a lawsuit to unfair treatment in pursuing civil actions and acting to enforce their own civil rights. See attached Senate Judiciary analysis for greater detail on the author's intent and response from several advocacy organizations.

COUNCIL STRATEGIC PLAN OBJECTIVE: Goal #13: Individuals with developmental disabilities and their families have access to community based services and supports available to the general population (such as recreation, transportation, childcare, etc.) that enable them to live productive and inclusive lives.

PRIOR COUNCIL ACTIVITY: The Council has opposed similar legislation in the past since it creates legal barriers for persons with disabilities when attempting to achieve integration into community life.

STAFF RECOMMENDATION: Oppose SB 1186 unless amended to remove the 30-day notice requirement because it establishes a different standard for people with disabilities to enforce their civil rights.

ATTACHMENT: SB 1186 and Senate Judiciary Committee analysis.

PREPARED: Karim Alipourfard May 11, 2012

AMENDED IN SENATE APRIL 30, 2012

SENATE BILL

No. 1186

Introduced by Senator ~~Senators~~ Steinberg and Dutton

February 22, 2012

~~An act to add Sections 55.4 and 55.41 to the Civil Code, and to amend Section 4452 of the Government Code, relating to special access, and declaring the urgency thereof, to take effect immediately. An act to amend Section 55.3 of, and to add Sections 55.31 and 1938 to, the Civil Code, relating to disability access.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1186, as amended, ~~Dutton~~ Steinberg. ~~Special-Disability~~ access: liability.

Existing law requires an attorney to provide a written advisory to a building owner or tenant with each demand for money or complaint for any construction-related accessibility claim, as specified. The requirement to provide the written advisory applies whether or not the attorney intends to file a complaint or eventually files a complaint in state or federal court. A violation of this requirement may subject the attorney to disciplinary action.

This bill would, instead, require an attorney to provide a written advisory to a building owner or tenant with each complaint or settlement demand for any construction-related accessibility claim, as specified. The requirement to provide the written advisory would apply where the attorney or party has filed a complaint in state or federal court on the basis of one or more construction-related accessibility claims.

This bill also would prohibit an attorney or other person from issuing a demand for money to a building owner or tenant, or an agent or employee of a building owner or tenant, or from receiving any payment,

settlement, compensation, or other remuneration pursuant to a demand for money that is provided or issued without or prior to the filing of a complaint on the basis of one or more construction-related accessibility violations, as specified. The bill would require an attorney to provide to a building owner or tenant, or an agent or employee of a building owner or tenant, a document that notifies the recipient of any alleged construction-related accessibility violation that may be a basis for a damages claim at least 30 days prior to filing any claim for damages based on an alleged construction-related accessibility violation or violations, except in a case solely seeking injunctive relief. The bill would provide that a violation of these requirements may subject the attorney to disciplinary action.

Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. Existing law provides for the inspection of places of public accommodation by certified access specialists to determine if the sites meet all applicable construction-related accessibility standards, and the provision of specified certificates and reports regarding those inspections. Existing law regulates the hiring of real property.

This bill would require a commercial property owner to state on a lease form or rental agreement if the property being leased or rented has been inspected by a certified access specialist.

~~Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified.~~

~~This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a business for an alleged violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred. The bill would require that owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. If that~~

~~owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 90 days to do so. The bill would provide that its provisions do not apply to claims for recovery of special damages for an injury in fact, and would authorize the court to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury. The bill would further state the intent of the Legislature to institute certain educational programs related to special access laws.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 55.3 of the Civil Code is amended to read:*

2 55.3. (a) For purposes of this section, the following shall apply:

3 (1) "Complaint" means a civil complaint that is filed ~~or is to be~~
4 filed with a court and is sent to or served upon a defendant on the
5 basis of one or more construction-related accessibility claims, as
6 defined in this section.

7 (2) ~~"Demand for money"~~ "Settlement demand" means a written
8 document ~~or oral statement~~ that is provided to a building owner
9 or tenant, or an agent or employee of a building owner or tenant,
10 that contains a request for money on the basis of one or more
11 construction-related accessibility claims, as defined in paragraph
12 (3), ~~whether or not the attorney intends to file where the attorney~~
13 ~~or party has filed a complaint or eventually files a complaint in~~
14 ~~state or federal court on the basis of one or more~~
15 ~~construction-related accessibility claims.~~

16 (3) "Construction-related accessibility claim" means any claim
17 of a violation of any construction-related accessibility standard,
18 as defined by paragraph (6) of subdivision (a) of Section 55.52,
19 with respect to a place of public accommodation.
20 "Construction-related accessibility claim" does not include a claim
21 of interference with housing within the meaning of paragraph (2)
22 of subdivision (b) of Section 54.1, or any claim of interference
23 caused by something other than the construction-related
24 accessibility condition of the property, including, but not limited
25 to, the conduct of any person.

(b) An attorney shall provide a written advisory with each demand for money or complaint or settlement demand sent to or served by him or her upon a defendant, in the form described in subdivision (c), and on a page or pages that are separate and clearly distinguishable from the demand for money or complaint or settlement demand, as follows:

IMPORTANT INFORMATION FOR BUILDING OWNERS
AND TENANTS

This form is available in English, Spanish, Chinese, Vietnamese, and Korean through the Judicial Council of California. Persons with visual impairments can get assistance in viewing this form through the Judicial Council Internet Web site at <http://www.courtinfo.ca.gov> www.courts.ca.gov.

Existing law requires that you receive this information because the demand for money or complaint or settlement demand you received with this document claims that your building or property does not comply with one or more existing construction-related accessibility laws or regulations protecting the civil rights of persons with disabilities to access public places.

YOU HAVE IMPORTANT LEGAL OBLIGATIONS. Compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open for business to the public. You may obtain information about your legal obligations and how to comply with disability access laws through the Division of the State Architect. Commencing September 1, 2009, information will also be available from the California Commission on Disability Access Internet Web site. Information is also available from the California Commission on Disability Access at www.cdda.ca.gov/guide.htm.

YOU HAVE IMPORTANT LEGAL RIGHTS. You are not required to pay any money unless and until a court finds you liable. Moreover, RECEIPT OF THIS ADVISORY DOES NOT NECESSARILY MEAN YOU WILL BE FOUND LIABLE FOR ANYTHING.

You may wish to promptly consult an attorney experienced in this area of the law to get helpful legal advice or representation in responding to the demand for money or complaint or settlement demand you received. You may contact the local bar association

1 in your county for information on available attorneys in your area.
2 If you have insurance, you may also wish to contact your insurance
3 provider. You have the right to seek assistance or advice about
4 ~~this demand for money or complaint or settlement demand~~ from
5 any person of your choice, and no one may instruct you otherwise.
6 Your best interest may be served by seeking legal advice or
7 representation from an attorney.

8 If a complaint has been filed and served on you and your property
9 has been inspected by a Certified Access Specialist (CASP; see
10 ~~www.dsa.dgs.ca.gov/casp~~)
11 www.dgs.ca.gov/dsa/Programs/programCert/casp.aspx, you may
12 have the right to a court stay (temporary stoppage) and early
13 evaluation conference to evaluate the merits of the
14 construction-related accessibility claim against you pursuant to
15 Civil Code Section 55.54. At your option, you may be, but need
16 not be, represented by an attorney to file a reply and to file an
17 application for a court stay and early evaluation conference. If you
18 choose not to hire an attorney to represent you, you may obtain
19 additional information about how to represent yourself and how
20 to file a reply without hiring an attorney through the Judicial
21 Council Internet Web site at <http://www.courtinfo.ca.gov/selfhelp/>
22 www.courts.ca.gov/selfhelp-start.htm. You may also obtain a form
23 to file your reply to the lawsuit, as well as the form and information
24 for filing an application to request the court stay and early
25 evaluation conference at that same Web site.

26 If you choose to hire an attorney to represent you, the attorney
27 who sent you the ~~demand for money or complaint or settlement~~
28 *demand* is prohibited from contacting you further unless your
29 attorney has given the other attorney permission to contact you.
30 If the other attorney does try to contact you, you should
31 immediately notify your attorney.

32
33 (c) On or before July 1, 2009, the Judicial Council shall adopt
34 a form that may be used by attorneys to comply with the
35 requirements of subdivision (b). The form shall be in substantially
36 the same format and include all of the text set forth in subdivision
37 (b). The form shall be available in English, Spanish, Chinese,
38 Vietnamese, and Korean, and shall include a statement that the
39 form is available in additional languages, and the Judicial Council
40 Internet Web site address where the different versions of the form

1 may be located. The form shall include Internet Web site
2 information for the Division of the State Architect and, ~~when~~
3 ~~operational~~, the California Commission on Disability Access.

4 (d) Subdivision (b) shall apply ~~only to a demand for money or~~
5 ~~complaint or settlement demand~~ made by an attorney. Nothing in
6 this section is intended to affect the right to file a civil complaint
7 under any other law or regulation protecting the physical access
8 rights of persons with disabilities. ~~Additionally, nothing in this~~
9 ~~section requires a party acting in propria persona to provide or~~
10 ~~send a demand for money to another party before proceeding~~
11 ~~against that party with a civil complaint.~~

12 (e) This section shall not apply to any action brought by the
13 Attorney General, or by any district attorney, city attorney, or
14 county counsel.

15 *SEC. 2. Section 55.31 is added to the Civil Code, to read:*

16 *55.31. (a) "Demand for money" means a written document*
17 *or oral statement that is provided or issued to a building owner*
18 *or tenant, or an agent or employee of a building owner or tenant,*
19 *that meets all of the following requirements:*

20 *(1) Alleges one or more construction-related accessibility*
21 *violations as the basis of one or more construction-related*
22 *accessibility claims, as defined in paragraph (3) of subdivision*
23 *(a) of Section 55.3.*

24 *(2) Contains or makes a request for money, or states or implies*
25 *that the building owner or tenant is liable for damages or*
26 *attorney's fees, or both, on the basis of one or more*
27 *construction-related accessibility violations.*

28 *(3) Is provided or issued without or prior to the filing of a*
29 *complaint in state or federal court on the basis of one or more*
30 *construction-related accessibility violations.*

31 *(b) An attorney or person shall not issue a demand for money*
32 *to a building owner or tenant, or an agent or employee of a*
33 *building owner or tenant, or receive any payment, settlement,*
34 *compensation or other remuneration pursuant to a demand for*
35 *money, as defined in subdivision (a).*

36 *(c) An attorney shall provide to a building owner or tenant, or*
37 *an agent or employee of a building owner or tenant, a document*
38 *that notifies the recipient of any alleged construction-related*
39 *accessibility violation that may be a basis for a damages claim at*
40 *least 30 days prior to filing any claim for damages based on an*

1 *alleged construction-related accessibility violation or violations.*
2 *Nothing in this document or any document accompanying the*
3 *document shall demand or request any money to settle or forgo a*
4 *claim or potential claim for damages based upon an alleged*
5 *violation or violations, or state or imply the building owner's or*
6 *tenant's liability for damages or attorney's fees, or both, on the*
7 *basis of the alleged construction-related accessibility violation or*
8 *violations identified in the notice. This requirement shall apply*
9 *whether the attorney intends to file in state or federal court. This*
10 *subdivision shall not apply in a case solely seeking injunctive*
11 *relief.*

12 *(d) A violation of subdivision (b) or (c) shall be cause for the*
13 *imposition of disciplinary action against an attorney.*

14 *SEC. 3. Section 1938 is added to the Civil Code, to read:*

15 *1938. A commercial property owner shall state on the lease*
16 *form or rental agreement if the property being leased or rented*
17 *"is CASp-Inspected" or "is not CASp-inspected." For the purpose*
18 *of this section, "CASp-inspected" is defined in paragraph (4) of*
19 *subdivision (a) of Section 55.52.*

20 *SEC. 4. It is the intent of the Legislature to do all of the*
21 *following:*

22 *(a) Examine the federal and state laws that provide persons*
23 *with disabilities the right to full and equal access to places of*
24 *public accommodation, and to address any conflict between those*
25 *laws in construction-related accessibility standards that may lead*
26 *to unnecessary litigation.*

27 *(b) Facilitate compliance by increased education regarding the*
28 *accessibility laws, including requiring the California Commission*
29 *on Disability Access to develop tools for use by businesses and*
30 *building inspectors, and to post those tools on its public Internet*
31 *Web site to facilitate greater compliance.*

32 *(c) Examine measures that would lead to greater compliance,*
33 *to the benefit of both business and the disability community through*
34 *reducing litigation and improving access for the disabled, without*
35 *discouraging early compliance efforts and without affecting the*
36 *right to sue for uncorrected and other violations. This effort shall*
37 *examine and address issues many small businesses face from*
38 *litigation and tactics pursued primarily for private gain under the*
39 *state and federal disability access laws, rather than to rectify a*
40 *disability access violation.*

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**All matter omitted in this version of the bill
appears in the bill as introduced in the
Senate, February 22, 2012. (JR11)**

O

SENATE JUDICIARY COMMITTEE
Senator Noreen Evans, Chair
2011-2012 Regular Session

SB 1186 (Steinberg & Dutton)
As Amended April 30, 2012
Hearing Date: May 8, 2012
Fiscal: No
Urgency: No
SK

SUBJECT

Disability Access: Liability

DESCRIPTION

This bill would prohibit an attorney or any person from issuing a demand for money to a building owner or tenant for a violation of a construction-related accessibility standard. This bill would also prohibit an attorney or any person from receiving any payment, settlement, compensation or other remuneration pursuant to a demand for money in cases alleging a violation of a construction-related accessibility standard.

This bill would define “demand for money” and would require an attorney to provide to a building owner or tenant a document that notifies the recipient of any alleged construction-related accessibility violation that may be a basis for a damages claim at least 30 days prior to filing any claim for damages based on an alleged construction-related accessibility violation. This bill would prohibit the document from demanding or requesting any money to settle or forgo a claim for damages or imply that the building owner or tenant is liable for damages and/or attorney’s fees. This bill would require a commercial property owner to state on the lease form or rental agreement if the property being leased or rented was inspected by a Certified Access Specialist (CASP). This bill would contain Legislative intent language, as specified.

BACKGROUND

Since 1969, persons with disabilities have enjoyed protection under Civil Code Sections 54 and 54.1, which entitle individuals with disabilities and medical conditions to full and free access to and use of roadways, sidewalks, buildings and facilities open to the public, hospitals and medical facilities, and housing. After Congress enacted the Americans with Disabilities Act (ADA) in 1990, the state made a violation of the ADA also a violation of Section 54 or 54.1. The state protections provided to disabled persons are comparatively higher than those provided under the ADA and are independent of the ADA.

A violation of Section 54 or Section 54.1 makes a person liable for actual damages plus a maximum of three times the actual damages (but not less than \$1,000), plus attorney's fees and costs. In a private right of action under the ADA, a plaintiff may obtain injunctive relief and attorney's fees, while an action by the U.S. Attorney may bring equitable relief, monetary damages on behalf of the aggrieved party, and a civil penalty of up to \$100,000.

Under the Unruh Civil Rights Act, all persons, regardless of sex, race, color, religion, ancestry, national origin, disability or medical condition, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. (Civil Code Section 51.) A violation of the ADA also constitutes a violation of Section 51. A violation of this section subjects a person to actual damages incurred by an injured party, plus treble actual damages but not less than \$4,000, and any attorney's fees as the court may determine to be proper. (Civil Code Section 52.)

SB 262 (Kuehl, Chapter 872, Statutes of 2003) established in the Division of the State Architect a voluntary "access specialist certification program" in order to assist business and property owners to comply with ADA and state access laws. The bill also authorized an enforcement action with civil penalties for noncompliance with ADA and state access laws, after notification of the business owner or operator by a government agency. The authority to institute a civil action was extended to county counsels (in addition to the Attorney General, district attorney, and city attorney).

In 2003 and 2005, several bills were introduced after multiple lawsuits were filed in state court by a few plaintiffs and attorneys against business owners and operators for apparently technical violations of the state's access or ADA regulations. (SB 69 (Oller, 2003), AB 209 (Leslie, 2003), AB 20 (Leslie, 2005), SB 855 (Poochigian, 2005).) Three of those bills would have required pre-litigation procedures for a plaintiff to undertake prior to the filing of a complaint, including notice to the owner of the property or business of the alleged violations and would have provided a specified time period for the owner or business to cure the violations. One bill (AB 20) would have precluded an action for damages for a *de minimus* violation, allowing only injunctive relief and attorney's fees. All of those bills failed passage in the Judiciary Committees of their respective houses.

In 2008, three bills were introduced relating to disability access. (AB 2533 (Keene, 2008), SB 1766 (McClintock, 2008), SB 1608 (Corbett, Harman, Steinberg, Runner and Calderon, Chapter 549, Statutes of 2008).) AB 2533 would have required a person alleging violations of the full and equal access laws to first deliver a notice to the responsible party, specifying the physical conditions complained of, and would have required that entity to make a good faith effort to remedy the condition. No person could file an action unless the person to whom the notice was given failed, within 30 days of receipt of the notice, to commence a good faith effort to remedy the condition complained of, or the person allowed unreasonable delays in remedying the condition. AB 2533 failed

passage in the Assembly Committee on Judiciary. SB 1766 would have taken a similar approach by imposing a duty on a person with a disability to first notify by certified mail the owner or manager of the housing or public accommodation in violation of the full and equal access laws and also impose a duty on the owner or manager to remedy the condition complained of within six months. This bill failed passage in the Senate Committee on Judiciary. In 2011, SB 783 (Dutton, 2011) would have established notice requirements for an aggrieved party to follow before he or she can bring a disability access suit and given the business owner a 120-day time period to remedy the violation. If the property owner cured the violation, the bill would have provided that an aggrieved party cannot receive any damages or attorney's fees, except for special damages. This bill failed passage in this Committee.

Alternatively, SB 1608, which took effect January 1, 2009, did not create any pre-litigation hurdles for a person with a disability but instead, among other things, provided for an early evaluation of a filed complaint if the defendant is a qualified defendant who had the identified place of public accommodation inspected and determined to meet applicable physical access standards by a state Certified Access Specialist (CASP) prior to the filing of the complaint.

This bill attempts to further address the issue by prohibiting demand for money requests alleging construction-related accessibility violations and requiring an attorney to provide notice to a building owner or tenant identifying any alleged construction-related accessibility violations at least 30 days prior to filing a claim for damages, as specified.

CHANGES TO EXISTING LAW

Existing federal law, under the Americans with Disabilities Act (ADA), provides that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or leases to, or operates a place of public accommodation. (42 U.S.C. Sec. 12182.)

Existing law provides that individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics and physicians' offices, public facilities and other public places. It also provides that a violation of an individual's rights under the ADA constitutes a violation of state law. (Civ. Code Sec. 54.)

Existing law provides that individuals with disabilities shall be entitled to full and equal access to public accommodations, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons. It further provides that individuals with disabilities shall be entitled to full and equal

access to all housing accommodations offered for rent or lease, subject to conditions and limitations established by law. (Civ. Code Sec. 54.1.)

Existing law provides that a violation of the ADA also constitutes a violation of Section 54.1. A violation of Section 54.1 subjects a person to actual damages, plus treble actual damages but not less than \$1,000, and attorney's fees as the court deems proper. (Civ. Code Sec. 55.)

Existing law, the Unruh Civil Rights Act, declares that all persons, regardless of sex, race, color, religion, ancestry, national origin, disability or medical condition, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. A violation of the ADA also constitutes a violation of Unruh. A violation of this section subjects a person to actual damages incurred by an injured party, treble actual damages but not less than \$4,000, and any attorney's fees as the court may determine to be proper. (Civ. Code Sec. 51 et seq.)

Existing law established the California Commission on Disability Access (CCDA), an independent state agency composed of 19 members, with the general responsibility for monitoring disability access compliance in California, and making recommendations to the Legislature for necessary changes in order to facilitate implementation of state and federal laws on disability access. (Gov. Code Sec. 8299 et seq.)

Existing law requires an attorney, when serving a demand for money letter or a complaint on a defendant, include a written advisory to the defendant of the defendant's rights and obligations, including the right of a qualified defendant to request a stay and an early evaluation conference regarding the allegations in the complaint. This written advisory is required from an attorney only and is not required from a pro per plaintiff. (Civ. Code Sec 55.3.)

Existing law defines terms for a disability access action, specifically, existing law:

- defines a qualified defendant as a defendant in an action that includes an accessibility claim as to a place of public accommodation that has been inspected by a certified access specialist (CASp) and determined to meet applicable construction-related accessibility standards or pending determination by a CASp;
- defines a certified access specialist whose inspection report would be the basis for a defendant to qualify for the early evaluation conference;
- defines the construction-related accessibility standard that a CASp would use to inspect and prepare a report on the place of public accommodation. With respect to this standard, the bill would provide that standards adopted in state law would be used unless standards under federal law are higher; and
- enumerates the duties of the CASp with respect to the inspection, the corrections that may need to be made to the site, written inspection report, and the statement of compliance, including the issuance, upon completion of the inspection and a determination that the site meets applicable construction-related accessibility

standards, of a specified, watermarked, and sequentially numbered disability access certificate that may be displayed at the site. (Civ. Code Sec. 55.52.)

Existing law provides that if a CASp determines that a site meets all applicable construction-related accessibility claims the CASp must provide a written inspection report to the requesting party that includes specified information. If the CASp determines that corrections are needed to the site in order for it to meet all applicable construction-related accessibility standards, the CASp must provide a written inspection report to the requesting party that identifies the needed corrections and a schedule for completion. (Civ. Code Sec. 55.53.)

Existing law requires every CASp who completes an inspection of a site to provide the owner or tenant with a disability access inspection certificate if the site either meets applicable construction-related accessibility standard or is a CASp determination pending site. Existing law permits the building owner or tenant to post the certificate on the premises unless, after the date of inspection, the inspected site has been modified or construction has commenced to modify the inspected site in a way that may impact compliance with construction-related accessibility standards. (Civ. Code Sec. 55.53.)

Existing law outlines the specific process to be followed when filing a disability access claim:

- specifies the contents of the request and includes a link to the Judicial Council of California's Web site to access the appropriate court forms;
- provides that a qualified defendant may file an application requesting an early evaluation conference (EEC) after the defendant is served with the summons and complaint within 30 days of receiving the summons and complaint;
- grants qualified defendants a 90-day stay of the proceedings with respect to the construction-related accessibility claims, unless the plaintiff has obtained temporary injunctive relief;
- requires a mandatory EEC to be scheduled no later than 50 days after issuance of the order but no earlier than 21 days after the request is filed;
- directs the parties to appear in person at the time set for the conference;
- directs the defendant to file with the court and serve on the plaintiff a copy of any relevant CASp inspection report at least 15 days prior to the date of the EEC;
- directs the plaintiff to file with the court and serve on the defendant at least 15 days prior to the date of the EEC a statement containing, to the extent reasonably known, an itemized list of the alleged violations, the amount of damages claimed, the amount of attorney's fees and costs claimed, and any demand for settlement of the case in its entirety;
- specifies that the court shall lift the stay when defendant has failed to file and serve the CASp inspection report when required and also did not produce the report at the EEC, unless good cause for the failure is shown;
- specifies that the court may lift the stay at the conclusion of the EEC upon a showing of good cause by the plaintiff;

- specifies the court's authority to schedule additional conferences or to extend the stay for no more than an additional 90 days, upon a showing of good cause; and
- specifies the determinations the court would make at the EEC. (Civ. Code Sec. 55.54.)

Existing law provides that the stay and early evaluation conference shall not be deemed to make any inspection report or opinion of a CASp binding on the court or to abrogate the court's authority to make appropriate findings of fact and law. (Civ. Code Sec. 55.54.)

Existing law provides that the stay and early evaluation conference shall not be construed to invalidate or limit any California construction-related accessibility standard that provides greater or equal protection for the rights of persons with disabilities than is afforded by the ADA and the federal regulations adopted pursuant to that act. (Civ. Code Sec. 55.54.)

Existing law provides that notwithstanding the requirement that offers of compromise are privileged and protected under Evidence Code Section 1152, the court may consider, along with other relevant information, settlement offers made and rejected by the parties, in determining an award of reasonable attorney's fees and recoverable costs in any construction-related accessibility claim. (Civ. Code Sec. 55.55.)

Existing law provides that statutory damages may be recovered in a construction-related accessibility claim only if a violation or violations of one or more construction-related accessibility standards denied the plaintiff full and equal access to the place of public accommodation on a particular occasion. Existing law specifies that a plaintiff is denied full and equal access only if he or she personally encountered the violation on a particular occasion or was deterred from accessing the public accommodation on a particular occasion. (Civ. Code Sec. 55.56.)

This bill would define "demand for money" as a written document or oral statement that is provided or issued to a building owner or tenant, or his or her agent or employee, that meets all of the following requirements:

1. alleges one or more construction-related accessibility violations as the basis of one or more construction-related accessibility claims;
2. contains or makes a request for money or states or implies that the building owner or tenant is liable for damages or attorney's fees or both; and
3. is provided or issued without or prior to the filing of a complaint in state or federal court on the basis of one or more construction-related accessibility violations.

This bill would prohibit an attorney or a person from issuing a demand for money to a building owner or tenant, or his or her agent or employee, or receiving any payment, settlement, compensation or other remuneration pursuant to a demand for money.

This bill would require an attorney to provide to a building owner or tenant, or his or her agent or employee, a document that notifies the recipient of any alleged construction-related accessibility violation that may be a basis for a damages claim at least 30 days prior to filing any claim for damages based on an alleged construction-related accessibility violation. This bill would prohibit the document from demanding or requesting any money to settle or forgo a claim for damages or imply that the building owner or tenant is liable for damages and/or attorney's fees. This provision of the bill applies whether the attorney intends to file an action in state or federal court and does *not* apply in a case solely seeking injunctive relief.

This bill would provide that a violation of the above two provisions shall be cause for the imposition of disciplinary action against an attorney.

This bill would require a commercial property owner to state on the lease form or rental agreement if the property being leased or rented is "CAsp-Inspected" or is not "CAsp-Inspected."

This bill would include the following language providing that it is the intent of the Legislature to:

1. examine the federal and state laws that provide persons with disabilities the right to full and equal access to places of public accommodation, and to address any conflict between those laws in construction-related accessibility standards that may lead to unnecessary litigation;
2. facilitate compliance by increased education regarding the accessibility laws, including requiring the California Commission on Disability Access to develop tools for use by businesses and building inspectors, and to post those tools on its public Internet Web site to facilitate greater compliance; and
3. examine measures that would lead to greater compliance, to the benefit of both business and the disability community through reducing litigation and improving access for the disabled, without discouraging early compliance efforts and without affecting the right to sue for uncorrected and other violations. This effort shall examine and address issues many small businesses face from litigation and tactics pursued primarily for private gain under the state and federal disability access laws, rather than to rectify a disability access violation.

COMMENT

1. Stated need for the bill

The author writes:

Recent amendments to the federal ADA recently became effective March 16, 2012. Accordingly to the Division of State Architect, there are now nine direct conflicts

between the current 2010 California Building Code (Title 24) and the federal ADA that “cannot be resolved.” The intent language states the Legislature’s intent to address the issue to avoid unnecessary litigation arising from the conflicts.

SB 1608 requires the sending of a specified advisory notice to property owners or tenants who receive a demand for money letter for an attorney based on an alleged construction-based accessibility violation on the property. This law was enacted in response to concerns that small businesses were coerced into paying significant amounts of money to avoid being sued by lawyers who sent letters notifying the business of alleged ADA violations and threatening to sue for significantly higher damages and attorneys fees unless the business paid a “settlement” within a short period of time. The required notice was designed to notify the business of its legal rights and obligations, particularly that the business is not liable for paying anything unless ordered by a court. Despite this law, the practice has continued to vex small businesses with its “pay-now or pay-more-later” demand; up until this year, some attorneys were even able to avoid the law by claiming that they did not know whether they were going to file a follow-up lawsuit or they were intending to file in federal court where they contended that the law did not apply. This bill would prohibit the practice of sending a demand for money letter for a violation of a construction-related accessibility standard.

Other provisions seek to facilitate improved compliance. One provision would require a property owner to advise a prospective tenant whether the property to be rented “is CASp-inspected” or “is not CASp-Inspected.” This provision is intended to provide businesses with better notice of whether their leased property meets state and federal accessibility requirements.

Another provision states the intent of the Legislature to require the Commission on Disability Access to develop and post on its website, tools for businesses and building inspectors to use to facilitate greater compliance.

The California Restaurant Association supports the bill, writing “[w]hile CRA remains committed to the implementation of SB 1608, we recognize that further action by the Legislature could address additional concerns with California accessibility laws. Senator Feinstein’s recent letter to Senator Steinberg raised concerns about predatory ADA lawsuits similar to those that we continue to hear from restaurateurs. SB 1186 specifically addresses the use and abuse of demand letters to compel business owners to pay monetary settlements and is therefore an important step forward. SB 1186 would give these attorneys one less tactic to use in their efforts to intimidate restaurant owners into agreeing to monetary settlements.”

The California Business Properties Association, Building Owners and Managers Association of California, NAIOP of California, the Commercial Real Estate Development Association International Council of Shopping Centers all support the bill, writing that it “will enhance accessibility – which is the most important issue before

you – while addressing lawsuit abuses. This bill builds on SB 1608 (Corbett signed in 2008) [and] will provide a modicum of protection from predatory individuals to businesses that are striving to do the right thing and complying with accessibility laws.”

The California Hotel & Lodging Association and the California Association of Bed and Breakfast Inns write in support of the bill, “[w]e believe that SB 1186 addresses the ‘right to cure’ for construction-related accessibility claims; conflicts between state and federal disability access laws; and frivolous lawsuits. All of which are paramount to supporting business throughout the state and ensuring . . . protections of people with disabilities and their access to public accommodations.”

The Civil Justice Association supports the bill, asserting “[u]nfortunately, SB 1608 has not fully resolved the underlying problem, which is the serial filing of disabled access lawsuits by plaintiffs that prioritize financial gain over disabled access.” On this point, the author’s office provided the Committee with a summary of demand letters sent to business owners alleging the same violations of federal and state law. In a number of instances, the demand letters were sent by the same attorney and the same plaintiff and alleged the same violations such as improper disabled signage and tow away warning signage.

2. Recent amendments remove the bill’s provisions that imposed unprecedented pre-litigation hurdles on disabled persons alleging violations of their civil rights to equal access

Prior to the most recent amendments, this bill would have imposed pre-litigation procedural requirements upon the filing of any claim under the state’s civil rights and equal access to public or housing accommodation laws, including claims of violations of the ADA. Under the prior version of the bill, the plaintiff would have been required to send a specified notice of violation served by personal service or certified mail on the property owner or other responsible party. The property owner or other responsible party then would have had 30 days to respond to that notice and then, potentially, 90 days to correct the violation and bring the property into compliance with disability access laws. If the violation was not corrected within the 90-day period and the owner failed to provide a satisfactory explanation, the bill would have permitted the claimant to file the claim. If the violation was corrected within the 90-day period, the claimant and all future claimants would have been prohibited from receiving any award of damages, other than special damages, as defined, or any award of attorney’s fees, in any claim based on the same or similar facts.

These provisions were nearly identical to SB 783 (Dutton, 2011), which failed passage in this Committee last year. Staff notes that the most recent amendments to this bill delete these provisions and replace them with the provisions described below relating to demands for money, notice of alleged construction-related accessibility violations, notice in lease agreements concerning CASp-inspected properties, and Legislative intent language.

3. Bill would prohibit issuing demands for money

This bill would prohibit an attorney or a person from issuing a “demand for money” to a building owner or tenant, or his or her agent or employee, or receiving any payment, settlement, compensation or other remuneration pursuant to a demand for money. This bill would define “demand for money” as a written document or oral statement that is provided or issued to a building owner or tenant, or his or her agent or employee, that meets all of the following requirements: (1) alleges one or more construction-related accessibility violations as the basis of one or more construction-related accessibility claims; (2) contains or makes a request for money or states or implies that the building owner or tenant is liable for damages or attorney’s fees or both; and (3) is provided or issued without or prior to the filing of a complaint in state or federal court on the basis of one or more construction-related accessibility violations.

Under existing law, attorneys are required to provide a specified advisory notice to a building owner or tenant with each demand for money or complaint based on construction-related accessibility claims. These notices—which inform the building owner or tenant of his or her legal rights including that the business is *not* required to pay any money unless and until a court finds it liable—must be provided regardless of whether the attorney intends to file the case in state or federal court. As the author notes above, these provisions were included in SB 1608 and intended to address concerns that some attorneys were threatening small businesses with lawsuits by notifying them of violations and “coercing” them into settling to avoid being sued. The author points out that the practice of sending a demand for money letter for violation of a construction-related accessibility standard is continuing to “vex small businesses with its ‘pay-now or pay-more-later’ demand.” The provisions of this bill are intended to help address this problem by prohibiting demands for money—both oral and written—in cases in which the claim alleges one or more construction-related accessibility violations.

4. Bill would require notification of alleged construction-related accessibility violations at least 30 days prior to filing claim for damages; does not apply to actions solely seeking injunctive relief

This bill would require an attorney to provide to a building owner or tenant, or his or her agent or employee, a document that notifies the recipient of any alleged construction-related accessibility violation that may be a basis for a damages claim at least 30 days prior to filing any claim for damages based on the alleged violation. This bill would prohibit the document from demanding or requesting any money to settle or forgo a claim for damages or imply that the building owner or tenant is liable for damages and/or attorney’s fees. This provision of the bill applies whether the attorney intends to file an action in state or federal court and does *not* apply in a case solely seeking injunctive relief.

a. Notice required 30 days prior to attorneys filing a claim for damages

This bill's provision requiring an attorney to provide notice to a building owner or tenant of a construction-related accessibility violation 30 days prior to filing a claim for damages is intended to assist businesses in identifying violations so that compliance may be achieved. As the author's office notes below, the requirement that attorneys provide notice of alleged construction-related accessibility violations 30 days prior to filing a claim applies only to claims for damages. It is important to note that this requirement does not apply where the claim is solely for injunctive relief. This distinction reflects the desire to underscore the importance of compliance and addressing the construction-related accessibility violation.

Much of the opposition's concerns focus on this provision of the bill. For example, the California Foundation for Independent Living Centers (CFILC) opposes the bill, unless amended and writes that this provision:

... constitutes such a violation of our vested civil and constitutional rights. It would prohibit attorneys in cases involving alleged violations of physical accessibility standards to provide a document to the owner or tenant of a building, or an agent or employee of those persons that notifies the recipient of any alleged construction-related accessibility violations. The prescribed notice must be provided at least 30 days prior to filing any claim. The requirement applies whether the case is filed in a state or federal court.

We strongly believe that this provision would have virtually the same effect as the original "notice and delay" text of SB 1186. It is not an acceptable alternative because it would subject all people with disabilities, including those with legitimate grounds for a lawsuit, to disparate treatment in pursuing civil actions. By singling out people with disabilities as the only affected class, among all other protected classes, for such disparate treatment, it subjects them to unacceptable notice and delay requirements as a precondition for pursuing the enforcement of their civil rights.

These abuses by attorneys are problematic, but we see no legitimate purpose or state interest to be served by sweeping all lawsuits together in one fell swoop in order to solve a problem involving a small minority of cases. This requirement presumes that it is necessary to view all cases as being without merit in order to cull out those that are in fact part of the abusive practices. Why should the disability community be burdened to solve a problem that should be more directly appropriately targeted toward those offending attorneys? (Emphasis in original)

Disability Rights California also opposes this provision, writing that it "establishes a different standard for people with disabilities to enforce their civil rights. People

with disabilities should not have enforcement of their civil rights limited or delayed because of the actions of a few.”

In response, the author’s office writes:

The notice requirement would apply only in cases where the plaintiff will be seeking damages for a construction-related accessibility violation. If he or she were to only seek injunctive relief for that violation, the notice law would not apply. If he or she were seeking damages or injunctive relief for an accessibility violation that is not construction-related, the notice provision would not apply. These are important distinctions that preserve the ability of a person with a disability to seek immediate relief and damages for those other violations.

Also, some kind of notice of violation provision in a construction-related accessibility case seeking damages seems to make good policy sense; it can be a valuable tool to avert the gamesmanship being practiced by some lawyers in some ADA litigation to “run up” the violation counts to increase the damages award for private gain. In the letter sent by Senator Feinstein, she included an example of a plaintiff filing a lawsuit for 30 violations for being denied access because the property was not in compliance with disabled parking access laws. In that case, one could ask why the plaintiff did not file after the first violation? Or, more pointedly, why did he wait until he incurred 30 violations? A possible answer is because he wanted to build up his damages claim under California law which makes each violation a separate violation subject to a minimum statutory damages award of \$4,000 per violation plus attorney’s fees. In fact, the plaintiff in that particular lawsuit sought \$120,000 in damages plus attorney’s fees. If the current law incentivizes a plaintiff to wait to sue for a violation in order to build up multiple violations for more damages, we need to stop such gamesmanship under the law.

A notice requirement in that and similar cases would give a business an opportunity to come into compliance and avoid repeated violations and damages liability when it fixes a violation after a notice. The resulting compliance and increased access would benefit the entire disability community.

As mentioned above, SB 1608 created the California Commission on Disability Access (CCDA), an independent state agency composed of 19 members. The CCDA has the general responsibility for monitoring disability access compliance in California, and making recommendations to the Legislature for necessary changes in order to facilitate implementation of state and federal laws on disability access. The Committee may wish to consider whether it might be appropriate to refer the issues raised by this bill to the CCDA for evaluation and recommendations.

b. Potential internal inconsistency

This bill appears to contain an internal inconsistency in that the provision of the bill described in Comment 3 prohibits an attorney or any person from issuing a demand for money that implies that the building owner or tenant is liable for damages or attorney's fees, or both, on the basis of construction-related accessibility violations. At the same time, as described above, the bill also requires an attorney to provide a document to the building owner or tenant notifying them of any alleged construction-related accessibility violation that may be a basis for a damages claim. The concern arises that notification of an alleged violation could be interpreted by a building owner or tenant as the implication that the owner or tenant is liable for damages. In order to address this issue, the author may wish to, for example, provide specific language to be used by attorneys when notifying the building owner or tenant of an alleged violation while not implying that the owner or tenant is liable.

5. Bill would specify violation of Comments (3) and (4), above is cause for imposition of disciplinary action against an attorney

This bill would impose requirements on attorneys that they: (1) not issue demands for money, either oral or written, in cases alleging a violation of a construction-related accessibility standard; and (2) give notice 30 days prior to filing a claim for damages based on a construction-related accessibility violation. This bill would specify that a violation of these two provisions is cause for the imposition of disciplinary action against an attorney. This provision is intended to enhance attorney compliance with these requirements by specifically providing that an attorney who does not comply may face disciplinary action by the State Bar of California.

6. Bill would require commercial property owners to provide CASp-Inspection notice in leases

This bill would require a commercial property owner to state on the lease form or rental agreement if the property being leased or rented has been inspected by a Certified Access Specialist (CASp). Specifically, the form or agreement must state if the property "is CASp-Inspected" or "is not CASp-Inspected." Under existing law, "CASp-inspected" means the site was inspected by a CASp and determined to meet all applicable construction-related accessibility standards, as specified.

As mentioned in the Background, SB 262 (Kuehl, Ch. 872, Stats. 2003) established in the Division of the State Architect a voluntary "access specialist certification program" in order to assist business and property owners to comply with the ADA and state access laws. SB 1608 built upon this CASp program by requiring a CASp to provide a written inspection report that includes specified information, if the CASp determines that a property meets all applicable construction-related accessibility claims. If the CASp concludes that corrections are needed to the site in order for it to meet all applicable

construction-related accessibility standards, the CASp must provide a written inspection report that identifies the needed corrections and a schedule for completion.

SB 1608 also required every CASp who completes an inspection of a site to provide the owner or tenant with a disability access inspection certificate if the site either meets applicable construction-related accessibility standard or is a CASp determination pending site. The building owner or tenant may then post that certificate on the premises unless, after the date of inspection, the inspected site has been modified or construction has commenced to modify the inspected site in a way that may impact compliance with construction-related accessibility standards.

If a building owner or tenant is later sued for a violation of construction-related accessibility standards, he or she may file an application requesting an early evaluation conference (EEC), as specified. The defendant may then be granted a 90-day stay of the proceedings with respect to the construction-related accessibility claims, unless the plaintiff has obtained temporary injunctive relief.

Although opposed to the bill, Disability Rights California supports this provision, writing that it is “critical to require lease forms or rental agreements to notify a business owner about the accessibility of the property” Given the important rights and obligations that flow from having a site be “CASp-inspected,” it is helpful for a prospective tenant to know whether or not a property meets all applicable construction-related accessibility standards, as determined by a CASp.

7. Bill would contain Legislative intent language indicating a desire to continue working on the issues addressed by the bill

This bill would include the following language providing that it is the intent of the Legislature to:

- a. examine the federal and state laws that provide persons with disabilities the right to full and equal access to places of public accommodation, and to address any conflict between those laws in construction-related accessibility standards that may lead to unnecessary litigation;
- b. facilitate compliance by increased education regarding the accessibility laws, including requiring the California Commission on Disability Access to develop tools for use by businesses and building inspectors, and to post those tools on its public Internet Web site to facilitate greater compliance; and
- c. examine measures that would lead to greater compliance, to the benefit of both business and the disability community through reducing litigation and improving access for the disabled, without discouraging early compliance efforts and without affecting the right to sue for uncorrected and other violations. This effort shall examine and address issues many small businesses face from litigation and tactics pursued primarily for private gain under the state and federal disability access laws, rather than to rectify a disability access violation.

It is important to note that the above language is simply intent language and does not make substantive changes in the law.

Support: California Association of Bed and Breakfast Inns; California Business Properties Association; California Hotel & Lodging Association; California Restaurant Association; Building Owners and Managers Association of California; Civil Justice Association of California (CJAC); International Council of Shopping Centers; NAIOP of California, the Commercial Real Estate Development Association

Opposition: California Foundation for Independent Living Centers (unless amended) Disability Rights California; Disability Rights Education & Defense Fund (DREDF)

HISTORY

Source: Author

Related Pending Legislation:

SB 1163 (Walters) would establish notice requirements for an aggrieved party to follow before he or she can bring a disability access suit and give the business owner a 120-day time period to remedy the violation. If the property owner cures the violation, the aggrieved party cannot receive any damages or attorney's fees, except for special damages. This bill is scheduled to be heard in this Committee on May 8, 2012.

AB 1878 (Gaines), which is substantially similar to SB 1163 but applies to "microbusinesses," defined by the bill, is scheduled to be heard in the Assembly Judiciary Committee on May 8, 2012.

AB 2282 (Berryhill), which would authorize an aggrieved person to bring a disability access suit only if: (1) the person has suffered an injury in fact; (2) the injury in fact was caused by the violation; and (3) the violation is redressable, is scheduled to be heard in the Assembly Judiciary Committee on May 8, 2012.

Prior Legislation:

SB 783 (Dutton, 2011), which was identical to SB 1163, failed passage in this Committee.

SB 384 (Evans, Ch. 419, Stats. 2011) clarified that attorneys who file complaints or send demand letters related to disability access violations must provide a written notice of legal rights and obligations whether or not the attorney intends to file an action in state or federal court.

SB 209 (Corbett & Harman, Ch. 569, Stats. 2009) required a CASp inspection report, to remain confidential rather than be under seal and subject to protective order.

SB 1186 (Steinberg & Dutton)

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SB 1608 (Corbett et al., Ch. 549, Stats. 2008) *See* Background; Comment 6.

SB 1766 (McClintock, 2008) *See* Background.

AB 2533 (Keene, 2008) *See* Background.

SB 855 (Poochigian, 2005) *See* Background.

LEGISLATIVE AGENDA ITEM DETAIL SHEET

BILL NUMBER/ISSUE: SB 1051 – Reports of death, injury and abuse in developmental centers

BILL SUMMARY: Sponsored by the author, this bill would: 1) require the Department of Justice (DOJ) to include data regarding a crime victim's self report of disability status in the crime victim's statistics, 2) require that the Department of Developmental Services (DDS) employ a Chief of the Office of Protective Service, who shall also be known as the Director of Protective Services with specified qualifications [shall be POST certified, law enforcement officer, etc.], 3) require that the Director of Protective Services be appointed by, and serve at the pleasure of the Secretary of the California Health and Human Services Agency (CHHSA), 4) require DDS and the new Department of State Hospitals (DSH) (mental health facilities) to report to Disability Rights California (DRC) within one day any unexpected or suspicious death, sexual assault or any report made to local law enforcement, and 5) required mandated reporters employed by DDS to immediately report suspected abuse to the Office of Protective Services or to the local law enforcement agency.

BACKGROUND: Recently, there has been a significant amount of discussion and some press coverage regarding the protection of individuals from abuse and how allegations of abuse are reported and investigated at developmental centers.

Senators Liu and Emmerson held a hearing regarding this issue in March 2012 to hear from the Department of Justice, Department of Developmental Services, police officer union and individuals and family members.

ANALYSIS/DISCUSSION: This bill is one of several bills this legislative session attempting to address possible abuse and neglect. In terms of strengthening the reporting requirements and investigation, this bill does very little. In fact, the only change in reporting requirements is that DRC will be notified no later than one business day after any report is made and secondly, individuals could self-report their disability to be included in the DOJ crime statistics.

This bill does address several concerns held by the police officers and others as the proposed newly established Director of Protective Service will be a POST certified, law enforcement officer with experience and training in management. This requirement may address some of the concerns expressed during the hearing regarding the lack of training and experience of former directors of this office.

It is unclear who will supervise the proposed newly established Director of Protective Services since the bill currently requires CHHSA to appoint and have at-will rights to terminate the Director; however, the bill also states that DDS will have hiring authority.

The Arc of California and United Cerebral Palsy are in support of this bill.

COUNCIL STRATEGIC PLAN OBJECTIVE: Goal #4- Public safety agencies, other first responders and the justice system get information and assistance to be knowledgeable and aware of the needs of individuals with developmental disabilities so they can respond appropriately when individuals with developmental disabilities may have experienced abuse, neglect, sexual or financial exploitation or violation of legal or human rights.

PRIOR COUNCIL ACTIVITY: None.

STAFF RECOMMENDATION(S): Support with amendments that clarify the appointment and supervision of the Director of Protective Services.

ATTACHMENT(S): SB 1051 and the Senate Human Services Committee analysis.

PREPARED: Melissa C. Corral May 4, 2012

AMENDED IN SENATE APRIL 17, 2012
AMENDED IN SENATE MARCH 28, 2012

SENATE BILL

No. 1051

Introduced by Senators Liu and Emmerson

February 8, 2012

An act to amend Section 13010 of the Penal Code, and to amend Sections 4427.5 and 15630 of, and to add Sections 4023 and 4415.5 to, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1051, as amended, Liu. Reports of death, injury, and abuse: developmental centers and state hospitals: mandated reporters.

Existing law requires the Department of Justice, among other duties, to periodically review the requirements of units of government using criminal justice statistics, and to make recommendations for changes the department deems necessary in the design of criminal justice statistics systems, including new techniques of collection and processing made possible by automation.

This bill would require the department to include data regarding a crime victim's self-report of disability status in the criminal justice statistics, no later than at the next revision of the department's uniform crime report, as specified.

Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires a developmental center to immediately report all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency. Existing law establishes the

Office of Protective Services within the State Department of Developmental Services.

~~This bill would require the department to employ a~~ *rename a certain position within the Office of Protective Services as the Director of Protective Services,* ~~with require the director to meet~~ specified qualifications, ~~to and require that the director be appointed by and serve at the pleasure of the Director of Developmental Services Secretary of California Health and Human Services, as specified.~~

~~This bill would require a developmental center~~ *the department to immediately report criminal conduct suspected or established by the Office of Protective Services and to report certain events involving death or harm involving a developmental center resident to a designated protection and advocacy agency. The bill also would require the State Department of State Hospitals to report the same categories of events to the protection and advocacy agency, with respect to a resident of a state mental hospital.*

Existing law requires specified people, known as mandated reporters, to report cases of elder or dependent adult abuse, as defined. ~~Existing law requires mandated reporters to report the abuse by telephone, or through a confidential Internet reporting tool, immediately or as soon as practicably possible. Failure to make a report as required by existing law is a misdemeanor.~~

~~This bill would delete the option of a mandated reporter to make a telephone or Internet report of abuse as soon as practicably possible, thus requiring these reports to be made immediately~~ *require mandated reporters in the State Department of Developmental Services to immediately report suspected abuse to the Office of Protective Services or to the local law enforcement agency.* By creating new duties for local officials, this bill would impose a state-mandated local program. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13010 of the Penal Code is amended to
2 read:

3 13010. It shall be the duty of the department:

4 (a) To collect data necessary for the work of the department
5 from all persons and agencies mentioned in Section 13020 and
6 from any other appropriate source.

7 (b) To prepare and distribute to all those persons and agencies,
8 cards, forms, or electronic means used in reporting data to the
9 department. The cards, forms, or electronic means may, in addition
10 to other items, include items of information needed by federal
11 bureaus or departments engaged in the development of national
12 and uniform criminal statistics.

13 (c) To recommend the form and content of records which must
14 be kept by those persons and agencies in order to ensure the correct
15 reporting of data to the department.

16 (d) To instruct those persons and agencies in the installation,
17 maintenance, and use of those records and in the reporting of data
18 therefrom to the department.

19 (e) To process, tabulate, analyze, and interpret the data collected
20 from those persons and agencies.

21 (f) To supply, at their request, to federal bureaus or departments
22 engaged in the collection of national criminal statistics data they
23 need from this state.

24 (g) To present to the Governor, on or before July 1st, an annual
25 report containing the criminal statistics of the preceding calendar
26 year and to present at other times as the Attorney General may
27 approve reports on special aspects of criminal statistics. A sufficient
28 number of copies of all reports shall be prepared to enable the
29 Attorney General to send a copy to all public officials in the state
30 dealing with criminals and to distribute them generally in channels
31 where they will add to the public enlightenment.

32 (h) (1) To periodically review the requirements of units of
33 government using criminal justice statistics, and to make

1 recommendations for changes it deems necessary in the design of
2 criminal justice statistics systems, including new techniques of
3 collection and processing made possible by automation.

4 (2) To include in the criminal justice statistics, no later than at
5 the next revision of the uniform crime report following the effective
6 date of the act that added this paragraph, data regarding a crime
7 victim's self-report of disability status.

8 SEC. 2. Section 4023 is added to the Welfare and Institutions
9 Code, to read:

10 4023. (a) The State Department of State Hospitals shall report
11 to the agency designated in subdivision (i) of Section 4900 the
12 following incidents involving a resident of a state mental hospital:

13 (1) Any unexpected or suspicious death.

14 (2) Any sexual assault allegation implicating the involvement
15 of a state mental hospital employee or an employee of the
16 Department of Corrections and Rehabilitation.

17 (3) Any report made to the local law enforcement agency.

18 (b) A report pursuant to this section shall be made no later than
19 the close of the first business day following the discovery of the
20 reportable incident.

21 SEC. 3. Section 4415.5 is added to the Welfare and Institutions
22 Code, to read:

23 4415.5. (a) ~~The department shall employ a Director of~~
24 ~~Protective Services with~~ *chief of the Office of Protective Services,*
25 *who has* the responsibility and authority to manage all protective
26 service components within the department's law enforcement and
27 fire protection divisions, including those at each state
28 developmental center, *shall be known as the Director of Protective*
29 *Services.* The director shall be an experienced law enforcement
30 officer with a Peace Officers Standards and Training Management
31 Certificate or higher, and with extensive management experience
32 directing uniformed peace officer and investigation operations.

33 (b) The Director of Protective Services shall be appointed by,
34 and shall serve at the pleasure of, the Secretary of California Health
35 and Human Services.

36 SEC. 4. Section 4427.5 of the Welfare and Institutions Code
37 is amended to read:

38 4427.5. (a) (1) A developmental center shall immediately
39 report all resident deaths, ~~possible criminal conduct suspected or~~
40 ~~established by the Office of Protective Services,~~ and serious injuries

1 of unknown origin to the appropriate local law enforcement agency,
2 which may, at its discretion, conduct an independent investigation.

3 (2) The reporting requirements of this subdivision are in addition
4 to, and do not substitute for, the reporting requirements of
5 mandated reporters.

6 (b) (1) The department shall report to the agency designated in
7 subdivision (i) of Section 4900 any of the following incidents
8 involving a resident of a developmental center:

9 (A) Any unexpected or suspicious death.

10 (B) Any sexual assault allegation implicating the involvement
11 of a developmental center or department employee.

12 (C) Any report made to the local law enforcement agency.

13 (2) A report pursuant to this subdivision shall be made no later
14 than the close of the first business day following the discovery of
15 the reportable incident.

16 (c) The department shall do both of the following:

17 (1) Annually provide written information to every developmental
18 center employee regarding all of the following:

19 (A) The statutory and departmental requirements for mandatory
20 reporting of suspected or known abuse.

21 (B) The rights and protections afforded to individuals' reporting
22 of suspected or known abuse.

23 (C) The penalties for failure to report suspected or known abuse.

24 (D) The telephone numbers for reporting suspected or known
25 abuse or neglect to designated investigators of the department and
26 to local law enforcement agencies.

27 (2) On or before August 1, 2001, in consultation with employee
28 organizations, advocates, consumers, and family members, develop
29 a poster that encourages staff, residents, and visitors to report
30 suspected or known abuse and provides information on how to
31 make these reports.

32 SEC. 5. Section 15630 of the Welfare and Institutions Code is
33 amended to read:

34 15630. (a) Any person who has assumed full or intermittent
35 responsibility for the care or custody of an elder or dependent
36 adult, whether or not he or she receives compensation, including
37 administrators, supervisors, and any licensed staff of a public or
38 private facility that provides care or services for elder or dependent
39 adults, or any elder or dependent adult care custodian, health
40 practitioner, clergy member, or employee of a county adult

1 protective services agency or a local law enforcement agency, is
2 a mandated reporter.

3 (b) (1) Any mandated reporter who, in his or her professional
4 capacity, or within the scope of his or her employment, has
5 observed or has knowledge of an incident that reasonably appears
6 to be physical abuse, as defined in Section 15610.63, abandonment,
7 abduction, isolation, financial abuse, or neglect, or is told by an
8 elder or dependent adult that he or she has experienced behavior,
9 including an act or omission, constituting physical abuse, as defined
10 in Section 15610.63, abandonment, abduction, isolation, financial
11 abuse, or neglect, or reasonably suspects that abuse, shall report
12 the known or suspected instance of abuse by telephone or through
13 a confidential Internet reporting tool, as authorized by Section
14 15658, *immediately or as soon as practicably possible*. If reported
15 by telephone, a written report shall be sent, or an Internet report
16 shall be made through the confidential Internet reporting tool
17 established in Section 15658, within two working days, as follows:

18 (A) If the abuse has occurred in a long-term care facility, except
19 a state mental health hospital or a state developmental center, the
20 report shall be made to the local ombudsperson or the local law
21 enforcement agency.

22 The local ombudsperson and the local law enforcement agency
23 shall, as soon as practicable, except in the case of an emergency
24 or pursuant to a report required to be made pursuant to clause (v),
25 in which case these actions shall be taken immediately, do all of
26 the following:

27 (i) Report to the State Department of Public Health any case of
28 known or suspected abuse occurring in a long-term health care
29 facility, as defined in subdivision (a) of Section 1418 of the Health
30 and Safety Code.

31 (ii) Report to the State Department of Social Services any case
32 of known or suspected abuse occurring in a residential care facility
33 for the elderly, as defined in Section 1569.2 of the Health and
34 Safety Code, or in an adult day care facility, as defined in paragraph
35 (2) of subdivision (a) of Section 1502.

36 (iii) Report to the State Department of Public Health and the
37 California Department of Aging any case of known or suspected
38 abuse occurring in an adult day health care center, as defined in
39 subdivision (b) of Section 1570.7 of the Health and Safety Code.

1 (iv) Report to the Bureau of Medi-Cal Fraud and Elder Abuse
2 any case of known or suspected criminal activity.

3 (v) Report all cases of known or suspected physical abuse and
4 financial abuse to the local district attorney's office in the county
5 where the abuse occurred.

6 (B) If the suspected or alleged abuse occurred in a state mental
7 hospital or a state developmental center, the report shall be made
8 to designated investigators of the State Department of Mental
9 Health or the State Department of Developmental Services, or to
10 the local law enforcement agency.

11 ~~Except~~

12 (i) *Except* in an emergency, the local law enforcement agency
13 shall, as soon as practicable, report any case of known or suspected
14 criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse.

15 (ii) *Mandated reporters of the State Department of*
16 *Developmental Services shall immediately report suspected abuse*
17 *to the Office of Protective Services or to the local law enforcement*
18 *agency.*

19 (C) If the abuse has occurred any place other than one described
20 in subparagraph (A), the report shall be made to the adult protective
21 services agency or the local law enforcement agency.

22 (2) (A) A mandated reporter who is a clergy member who
23 acquires knowledge or reasonable suspicion of elder or dependent
24 adult abuse during a penitential communication is not subject to
25 paragraph (1). For purposes of this subdivision, "penitential
26 communication" means a communication that is intended to be in
27 confidence, including, but not limited to, a sacramental confession
28 made to a clergy member who, in the course of the discipline or
29 practice of his or her church, denomination, or organization is
30 authorized or accustomed to hear those communications and under
31 the discipline tenets, customs, or practices of his or her church,
32 denomination, or organization, has a duty to keep those
33 communications secret.

34 (B) Nothing in this subdivision shall be construed to modify or
35 limit a clergy member's duty to report known or suspected elder
36 and dependent adult abuse when he or she is acting in the capacity
37 of a care custodian, health practitioner, or employee of an adult
38 protective services agency.

39 (C) Notwithstanding any other provision in this section, a clergy
40 member who is not regularly employed on either a full-time or

1 part-time basis in a long-term care facility or does not have care
2 or custody of an elder or dependent adult shall not be responsible
3 for reporting abuse or neglect that is not reasonably observable or
4 discernible to a reasonably prudent person having no specialized
5 training or experience in elder or dependent care.

6 (3) (A) A mandated reporter who is a physician and surgeon,
7 a registered nurse, or a psychotherapist, as defined in Section 1010
8 of the Evidence Code, shall not be required to report, pursuant to
9 paragraph (1), an incident where all of the following conditions
10 exist:

11 (i) The mandated reporter has been told by an elder or dependent
12 adult that he or she has experienced behavior constituting physical
13 abuse, as defined in Section 15610.63, abandonment, abduction,
14 isolation, financial abuse, or neglect.

15 (ii) The mandated reporter is not aware of any independent
16 evidence that corroborates the statement that the abuse has
17 occurred.

18 (iii) The elder or dependent adult has been diagnosed with a
19 mental illness or dementia, or is the subject of a court-ordered
20 conservatorship because of a mental illness or dementia.

21 (iv) In the exercise of clinical judgment, the physician and
22 surgeon, the registered nurse, or the psychotherapist, as defined
23 in Section 1010 of the Evidence Code, reasonably believes that
24 the abuse did not occur.

25 (B) This paragraph shall not be construed to impose upon
26 mandated reporters a duty to investigate a known or suspected
27 incident of abuse and shall not be construed to lessen or restrict
28 any existing duty of mandated reporters.

29 (4) (A) In a long-term care facility, a mandated reporter shall
30 not be required to report as a suspected incident of abuse, as defined
31 in Section 15610.07, an incident where all of the following
32 conditions exist:

33 (i) The mandated reporter is aware that there is a proper plan
34 of care.

35 (ii) The mandated reporter is aware that the plan of care was
36 properly provided or executed.

37 (iii) A physical, mental, or medical injury occurred as a result
38 of care provided pursuant to clause (i) or (ii).

39 (iv) The mandated reporter reasonably believes that the injury
40 was not the result of abuse.

(B) This paragraph shall not be construed to require a mandated reporter to seek, nor to preclude a mandated reporter from seeking, information regarding a known or suspected incident of abuse prior to reporting. This paragraph shall apply only to those categories of mandated reporters that the State Department of Public Health determines, upon approval by the Bureau of Medi-Cal Fraud and Elder Abuse and the state long-term care ombudsperson, have access to plans of care and have the training and experience necessary to determine whether the conditions specified in this section have been met.

(c) (1) Any mandated reporter who has knowledge, or reasonably suspects, that types of elder or dependent adult abuse for which reports are not mandated have been inflicted upon an elder or dependent adult, or that his or her emotional well-being is endangered in any other way, may report the known or suspected instance of abuse.

(2) If the suspected or alleged abuse occurred in a long-term care facility other than a state mental health hospital or a state developmental center, the report may be made to the long-term care ombudsperson program. Except in an emergency, the local ombudsperson shall report any case of known or suspected abuse to the State Department of Public Health and any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(3) If the suspected or alleged abuse occurred in a state mental health hospital or a state developmental center, the report may be made to the designated investigator of the State Department of Mental Health or the State Department of Developmental Services or to a local law enforcement agency or to the local ombudsperson. Except in an emergency, the local ombudsperson and the local law enforcement agency shall report any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(4) If the suspected or alleged abuse occurred in a place other than a place described in paragraph (2) or (3), the report may be made to the county adult protective services agency.

(5) If the conduct involves criminal activity not covered in subdivision (b), it may be immediately reported to the appropriate law enforcement agency.

1 (d) When two or more mandated reporters are present and jointly
2 have knowledge or reasonably suspect that types of abuse of an
3 elder or a dependent adult for which a report is or is not mandated
4 have occurred, and when there is agreement among them, the
5 telephone report or Internet report, as authorized by Section 15658,
6 may be made by a member of the team selected by mutual
7 agreement, and a single report may be made and signed by the
8 selected member of the reporting team. Any member who has
9 knowledge that the member designated to report has failed to do
10 so shall thereafter make the report.

11 (e) A telephone report or Internet report, as authorized by
12 Section 15658, of a known or suspected instance of elder or
13 dependent adult abuse shall include, if known, the name of the
14 person making the report, the name and age of the elder or
15 dependent adult, the present location of the elder or dependent
16 adult, the names and addresses of family members or any other
17 adult responsible for the elder's or dependent adult's care, the
18 nature and extent of the elder's or dependent adult's condition, the
19 date of the incident, and any other information, including
20 information that led that person to suspect elder or dependent adult
21 abuse, as requested by the agency receiving the report.

22 (f) The reporting duties under this section are individual, and
23 no supervisor or administrator shall impede or inhibit the reporting
24 duties, and no person making the report shall be subject to any
25 sanction for making the report. However, internal procedures to
26 facilitate reporting, ensure confidentiality, and apprise supervisors
27 and administrators of reports may be established, provided they
28 are not inconsistent with this chapter.

29 (g) (1) Whenever this section requires a county adult protective
30 services agency to report to a law enforcement agency, the law
31 enforcement agency shall, immediately upon request, provide a
32 copy of its investigative report concerning the reported matter to
33 that county adult protective services agency.

34 (2) Whenever this section requires a law enforcement agency
35 to report to a county adult protective services agency, the county
36 adult protective services agency shall, immediately upon request,
37 provide to that law enforcement agency a copy of its investigative
38 report concerning the reported matter.

39 (3) The requirement to disclose investigative reports pursuant
40 to this subdivision shall not include the disclosure of social services

1 records or case files that are confidential, nor shall this subdivision
2 be construed to allow disclosure of any reports or records if the
3 disclosure would be prohibited by any other provision of state or
4 federal law.

5 (h) Failure to report, or impeding or inhibiting a report of,
6 physical abuse, as defined in Section 15610.63, abandonment,
7 abduction, isolation, financial abuse, or neglect of an elder or
8 dependent adult, in violation of this section, is a misdemeanor,
9 punishable by not more than six months in the county jail, by a
10 fine of not more than one thousand dollars (\$1,000), or by both
11 that fine and imprisonment. Any mandated reporter who willfully
12 fails to report, or impedes or inhibits a report of, physical abuse,
13 as defined in Section 15610.63, abandonment, abduction, isolation,
14 financial abuse, or neglect of an elder or dependent adult, in
15 violation of this section, where that abuse results in death or great
16 bodily injury, shall be punished by not more than one year in a
17 county jail, by a fine of not more than five thousand dollars
18 (\$5,000), or by both that fine and imprisonment. If a mandated
19 reporter intentionally conceals his or her failure to report an
20 incident known by the mandated reporter to be abuse or severe
21 neglect under this section, the failure to report is a continuing
22 offense until a law enforcement agency specified in paragraph (1)
23 of subdivision (b) of Section 15630 discovers the offense.

24 (i) For purposes of this section, “dependent adult” shall have
25 the same meaning as in Section 15610.23.

26 SEC. 6. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution for certain
28 costs that may be incurred by a local agency or school district
29 because, in that regard, this act creates a new crime or infraction,
30 eliminates a crime or infraction, or changes the penalty for a crime
31 or infraction, within the meaning of Section 17556 of the
32 Government Code, or changes the definition of a crime within the
33 meaning of Section 6 of Article XIII B of the California
34 Constitution.

35 However, if the Commission on State Mandates determines that
36 this act contains other costs mandated by the state, reimbursement
37 to local agencies and school districts for those costs shall be made
38 pursuant to Part 7 (commencing with Section 17500) of Division
39 4 of Title 2 of the Government Code.

1 SEC. 7. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 In order to ensure that the applicable investigative structure
6 adequately protects residents of developmental centers and other
7 vulnerable persons from harm at the earliest possible time, it is
8 necessary for this act to take effect immediately.

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BILL ANALYSIS

SENATE HUMAN
SERVICES COMMITTEE
Senator Carol Liu, Chair

BILL NO: SB 1051
S
AUTHOR: Liu and Emmerson
B
VERSION: April 17, 2012
HEARING DATE: April 24, 2012
1
FISCAL: Yes
0

5
CONSULTANT: Mareva Brown
1

SUBJECT

Developmental centers and state hospitals: reports of
death, injury and abuse:
mandated reporters

SUMMARY

Requires the Department of Justice to include data regarding a crime victim's self-report of disability status in criminal justice statistics; establishes criteria for employment for the director of the Office of Protective Services within the Department of Developmental Services and directs that position be appointed by and serve at the pleasure of the Secretary of the Health and Human Services Agency; requires that mandated reporters working in developmental centers report suspected abuse to the Office of Protective Services immediately; requires state hospitals and developmental centers to report specified incidents to the designated Protection and Advocacy agency.

ABSTRACTCurrent law

- 1) Requires that the California Department of Justice
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prepare and distribute to specified law enforcement agencies cards, forms or electronic means used in reporting data to the department, and to recommend the form and content of records which must be kept to ensure correct reporting of data to the department.

- 2) Establishes jurisdiction of the Department of Developmental Services over state developmental centers, which provide residential care to individuals with developmental disabilities.
- 3) Establishes a police force within the state Department of Developmental Services to enforce developmental center rules, preserve peace and protect the property of the state's developmental centers. This office has been designated the Office of Protective Services.
- 4) Requires a developmental center to immediately

report all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency.

- 5) Establishes jurisdiction of the state Department of Mental Health over the state's mental hospitals.
- 6) Establishes a police force within the state Department of Mental Health to enforce hospital rules, preserve peace and protect the property of the state's mental hospitals.
- 7) Requires the state to designate a protection and advocacy organization, as specified, to advocate for and investigate allegations of abuse against individuals with disabilities. This statute reflects federal requirements that states identify and fund such an advocacy organization.
- 8) Requires in Health and Safety code that deaths or serious injuries occurring in developmental centers or state hospitals that result from the use of restraints be reported to the state-designated protection and advocacy organization.

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- 9) Requires specified people, known as mandated reporters, to report cases of elder or dependent adult abuse, as defined, and makes the failure to report a misdemeanor.

This bill

- 1) Requires the Department of Justice to include data regarding a crime victim's self-report of disability status in the criminal justice statistics, no later than the next revision of the department's uniform crime report, as specified.
- 2) Requires that when the Department of Developmental Services employs a Director of Protective Services, that person must have specified qualifications including:
 - a. Shall be an experienced law enforcement officer
 - b. Possess a Peace Officers Standards and Training Management Certificate or higher
 - c. Have extensive management experience directing uniformed peace officer and investigation operations
- 3) Specifies that the Director of Protective Services shall be appointed by, and shall serve at the pleasure of, the Secretary of the California Health and Human Services agency.
- 4) Requires the Department of Developmental Services to report to the state-identified protection and advocacy agency, any of the following incidents involving a resident of a developmental center no later than close of the first business day following the discovery of the reportable incident:
 - a. Any unexpected or suspicious death
 - b. Any sexual assault allegation implicating the involvement of a developmental center or department employee
 - c. Any report made to the local law enforcement agency

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- 5) Requires the state Department of State Hospitals to report to the state-identified protection and advocacy agency, any of the following incidents involving a resident of a state mental hospital no later than close of the first business day following the discovery of the reportable incident:
 - a. Any unexpected or suspicious death
 - b. Any sexual assault allegation implicating the involvement of a state mental hospital employee or employee of the Department of Corrections and Rehabilitation
 - c. Any report made to the local law enforcement agency
- 6) Requires that mandated reporters who work in Developmental Centers report suspected abuse immediately to the Office of Protective Services or their local law enforcement agency.
- 7) Contains an urgency clause requiring it to take effect immediately.

FISCAL IMPACT

This bill has not been analyzed by a fiscal committee.

BACKGROUND AND DISCUSSION

Purpose of the bill

This bill is the result of information presented during a Human Services Committee hearing on March 13, 2012 regarding the practices of the Office of Protective Services which serves as the law enforcement agency for the state developmental centers. The authors state that questions have been raised consistently since 2000 about the practices and qualifications of investigators, including whether they have the proper experience and training to conduct major crime investigations. While the administration has recently announced a series of measures to address these questions, the authors state that additional oversight and reporting elements are needed to ensure proper protocols are followed in all cases.

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Developmental Centers

The Developmental Centers are part of a system of care overseen by the Department of Developmental Services (DDS). With a proposed budget of \$4.7 billion for 2012-2013, DDS is responsible for coordinating care and providing services for about 1,800 individuals living in Developmental Centers, as well as for approximately 250,000 people with developmental disabilities who receive services and supports to live in their communities. A developmental disability is defined as a severe and chronic disability that is attributable to a mental or physical impairment that begins before age 18. These disabilities include mental retardation, cerebral palsy, autism, epilepsy and other similar conditions.

According to DDS, care in the Developmental Centers in recent years has become more focused on serving individuals with severe behaviors, autism, co-occurring mental health disorders and those with hearing and vision deficits. In

2011, the population living in Developmental Centers included individuals with the following diagnosis. Residents may be reflected in more than one category:

- 87% were diagnosed with medical conditions requiring treatment
- 69% had severe to profound mental retardation
- 60% had a dual diagnosis of both developmental disability and mental health condition (an increase of over 10% since 2008)
- 54% required support to walk/move about their environment
- 46% had severe behavior conditions
- 45% of the total population had visual deficits

Office of Protective Services (OPS)

The creation of a protective force within the Developmental Centers is found in early statutes, which gave peace officer authority to the hospital administrator and allowed the appointment of part-time officers from the ranks of hospital employees. Current statute confers peace officer status upon police

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officers in the Developmental Centers and authorizes them to enforce hospital rules, preserve peace and protect state property. OPS officers investigate thefts, trespassing and suspicious person claims, respond to missing client calls, enforce restraining orders, patrol the developmental centers' grounds and investigate suspicious deaths, sexual assaults and other major crimes.

Evaluations of OPS in developmental centers over the past 12 years have considered whether to retain the internal law enforcement presence or remove police functions to an outside entity. These evaluators concluded that the environment and investigative skills needed to work with victims and witnesses who have developmental disabilities is significantly different than what a municipal law enforcement officer would encounter and that, therefore, OPS should be preserved.

History of investigative concerns

California Attorney General
In 2002 the California Attorney General's office, acting upon a request of the Senate Select Committee on Developmental Disabilities and Mental Health, released a report prepared by two expert consultants who evaluated investigative practices within the Developmental Centers. The 82-page paper, "Policing in the Department of Developmental Services, A Review of the Organization and Operations 2000-2001," found a number of concerns, including:

"? the majority of (law enforcement) personnel lack the training, experience and proper equipment to completely preserve and collect crime scene evidence. While there is a critical need to train personnel, there should also be prearranged agreements with outside agencies to take over the evidence processing upon request." (P. 3)

It recommended that the department establish Memorandums of Understanding with local law enforcement agencies that provide authority for those agencies to independently review investigations completed by OPS, and to create a process for local agencies to assist or take over investigations that are in progress.

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AB 430, (Cardenas, Chapter 171, Statutes of 2001), requires DDS to report specified deaths to their local law enforcement agency. DDS testified that it has established MOUs, however it is unclear what investigations have been taken over or aided by local law enforcement agencies.

Civil Rights of Institutionalized Persons Act
In 2004, the federal Department of Justice opened an investigation under the Civil Rights for Institutionalized Persons Act (CRIPA) into practices at Lanterman Developmental Center. Under CRIPA statute, federal investigators inspect state- and locally run facilities to determine whether there is a pattern or practice of violations of residents' federal rights. In 2006, the U.S. Attorney General outlined findings in a 57-page letter to then-Gov. Arnold Schwarzenegger. It labeled as "troubling" the high number of injuries of unknown origin recorded by staff. In a 13-month period, almost half of all incidents recorded were listed as having unknown origin, or more than 760 cases. The federal investigators also found that "an inadequate incident reporting and investigative system" often hampers resolution of cases of assault by one client upon another.

Disability Rights California
In a 2003 report "Abuse and Neglect of Adults with Developmental Disabilities: A Public Health Priority for the State of California," the state-designated protection and advocacy agency urged California to begin collecting data on crime victims.

"Data from California's criminal justice and developmental disabilities systems do not provide a clear picture of the incidence of abuse, neglect, and victimization of people with developmental disabilities."

The report noted that without accurate data, the state cannot monitor the extent of victimization of individuals with developmental disabilities, or to direct resources and evaluate interventions. It recommended adding a field to all criminal justice data forms identifying whether a crime victim has a developmental disability, among other indicators.

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Related legislation

SB 1522 (Leno, 2012) would specify a list of suspected crimes that developmental center employees are required to report immediately to local law enforcement.

AB 430 (Cardenas, Chapter 171, Statutes of 2001), the budget health bill, mandated that each developmental center immediately report all resident deaths and serious injuries of unknown origin to the appropriate law enforcement agency that may, at its discretion, conduct an independent investigation.

POSITIONS

Support: The Arc of California and United Cerebral Palsy

Oppose: None received

-- END --

LEGISLATIVE AGENDA ITEM DETAIL SHEET

BILL NUMBER/ISSUE: SB 1522 – Reports of death, injury and abuse in developmental centers

BILL SUMMARY: Sponsored by Disability Rights California (DRC), this bill would: require a developmental center to immediately report all resident deaths, sexual assaults, assaults with a deadly weapon or force likely to produce great bodily injury, or an injury to the genitals when the cause of injury is undetermined, to the local law enforcement agency even if the Office of Protective Services has investigated the situation.

BACKGROUND: Recently, there has been a significant amount of discussion regarding the protection of individuals who are residents of developmental centers from abuse and how allegations of abuse are reported and investigated.

Senators Liu and Emmerson held a hearing regarding this issue in March 2012 to hear from the Department of Justice, Department of Developmental Services, police officer union and from individuals and family members.

ANALYSIS/DISCUSSION: This bill is one of several bills this legislative session attempting to address possible abuse and neglect. This bill specifies the instances where local law enforcement will be contacted regardless of reports or investigations by OPS (developmental center police force).

The author states that “if local law enforcement received fewer reports, it may be more likely to respond and investigate incidents.” This bill is an effort to prioritize serious crimes. It should be noted that the bill does not require local law enforcement to conduct investigations into the reports submitted by developmental centers.

DRC and The Arc of California and United Cerebral Palsy support of this bill.

COUNCIL STRATEGIC PLAN OBJECTIVE: Goal #4- Public safety agencies, other first responders and the justice system get information and assistance to be knowledgeable and aware of the needs of individuals with developmental disabilities so they can respond appropriately when individuals with developmental disabilities may have experienced abuse, neglect, sexual or financial exploitation or violation of legal or human rights.

PRIOR COUNCIL ACTIVITY: None.

STAFF RECOMMENDATION(S): Support SB 1522

ATTACHMENT(S): SB 1522, Senate Human Services Committee analysis

PREPARED: Melissa C. Corral May 4, 2012

AMENDED IN SENATE APRIL 26, 2012

AMENDED IN SENATE APRIL 17, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1522

Introduced by Senator Leno

February 24, 2012

An act to amend Section 4427.5 of the Welfare and Institutions Code, relating to developmental services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1522, as amended, Leno. Developmental centers: reporting requirements.

Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires a developmental center to immediately report all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency. Existing law establishes the Office of Protective Services within the State Department of Developmental Services.

This bill would instead require a developmental center to immediately report a death, a sexual assault, an assault with a deadly weapon or force likely to produce great bodily injury, or an injury to the genitals ~~or broken bone~~ when the cause of injury is undetermined, to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located, regardless of whether the Office of Protective Services has investigated the facts and circumstances

relating to the incident. The bill would require the developmental center to submit a written report of the incident to the local law enforcement agency within 2 working days of any telephone report to that agency.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4427.5 of the Welfare and Institutions
2 Code is amended to read:

3 4427.5. (a) (1) A developmental center shall immediately
4 report the following incidents involving a resident to the local law
5 enforcement agency having jurisdiction over the city or county in
6 which the developmental center is located, regardless of whether
7 the Office of Protective Services has investigated the facts and
8 circumstances relating to the incident:

9 (A) A death.

10 (B) A sexual assault, as defined in Section 15610.63.

11 (C) An assault with a deadly weapon or force likely to produce
12 great bodily injury, as defined in Section 245 of the Penal Code.

13 (D) An injury to the genitals when the cause of the injury is
14 undetermined.

15 ~~(E) A broken bone when the cause of the break is undetermined.~~

16 (2) If the incident is reported to the law enforcement agency by
17 telephone, a written report of the incident shall also be submitted
18 to the agency, within two working days.

19 (3) The reporting requirements of this subdivision are in addition
20 to, and do not substitute for, the reporting requirements of
21 mandated reporters, and any other reporting and investigative
22 duties of the developmental center and the department as required
23 by law.

24 (b) The department shall do both of the following:

25 (1) Annually provide written information to every developmental
26 center employee regarding all of the following:

27 (A) The statutory and departmental requirements for mandatory
28 reporting of suspected or known abuse.

29 (B) The rights and protections afforded to individuals' reporting
30 of suspected or known abuse.

1 (C) The penalties for failure to report suspected or known abuse.
2 (D) The telephone numbers for reporting suspected or known
3 abuse or neglect to designated investigators of the department and
4 to local law enforcement agencies.

5 (2) On or before August 1, 2001, in consultation with employee
6 organizations, advocates, consumers, and family members, develop
7 a poster that encourages staff, residents, and visitors to report
8 suspected or known abuse and provides information on how to
9 make these reports.

10 SEC. 2. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety within
12 the meaning of Article IV of the Constitution and shall go into
13 immediate effect. The facts constituting the necessity are:

14 In order to ensure that the applicable investigative structure
15 adequately protects residents of developmental centers and other
16 vulnerable persons from harm at the earliest possible time, it is
17 necessary for this act to take effect immediately.

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BILL ANALYSIS

SENATE HUMAN
SERVICES COMMITTEE
Senator Carol Liu, Chair

BILL NO: SB 1522
S
AUTHOR: Leno
B
VERSION: April 17, 2012
HEARING DATE: April 24, 2012
1
FISCAL: Yes
5
2
2
CONSULTANT: Mareva Brown

SUBJECT

Developmental centers: reporting requirements

SUMMARY

Requires a state developmental center to report to local law enforcement all deaths, sexual assaults, assaults with a deadly weapon or force likely to produce great bodily injury, and other specified crimes. Requires that if the initial report is made by telephone, that a written report be sent as follow up within two days.

ABSTRACTCurrent law

- 1) Establishes jurisdiction of the Department of Developmental Services over state developmental centers, which provide residential care to individuals with developmental disabilities.
- 2) Requires developmental centers to immediately report all resident deaths and serious injuries of unknown origin to the appropriate local law

Continued---

STAFF ANALYSIS OF SENATE BILL 1522 (Leno)
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enforcement agency, which may, at its discretion, conduct an independent investigation.

- 3) Establishes a police force within the state. Department of Developmental Services to act as a law enforcement agency for the state developmental centers. This police force has been named the Office of Protective Services.
- 4) Requires mandated reporters of elder and dependent abuse, as defined, to follow up any telephonic report of known or suspected abuse with a written or internet report within two working days.

This bill

- 1) Requires a developmental center to report the

following incidents to the local law enforcement agency, regardless of whether the Office of Protective Services has investigated the facts and circumstance of the case.

- a. A death
 - b. A sexual assault, as defined
 - c. An assault with a deadly weapon or force likely to produce great bodily injury, as defined
 - d. An injury to the genitals when the cause of the injury is undetermined
 - e. A broken bone when the cause of the break is undetermined
- 2) Requires that if the incident is reported to the law enforcement agency by telephone, a written report of the incident shall also be submitted to the agency within two working days.
- 3) Contains an urgency clause requiring it to take effect immediately.

FISCAL IMPACT

This bill has not been analyzed by a fiscal committee.

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STAFF ANALYSIS OF SENATE BILL 1522 (Leno)
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BACKGROUND AND DISCUSSION

Purpose of the bill

This bill results from concerns that current reporting requirements for state developmental centers are too vague. Currently, the developmental centers are required to report "all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency, which may, at its discretion conduct an independent investigation." (WIC 4427.5) In testimony during an informational hearing held by the Senate Human Services Committee on March 13, 2012 and in a series of articles published in February, concerns were raised that the Department of Developmental Services may over-report such crimes to local law enforcement and that local law enforcement agencies have been reticent to engage in criminal investigations in the developmental centers.

According to the author, testimony at the hearing indicated that the number of reports transmitted to local law enforcement agencies may dilute the effectiveness of this reporting requirement. The author states that if local law enforcement received fewer reports, it may be more likely to respond and investigate incidents. This bill is an effort to prioritize serious crimes.

Developmental Centers

The developmental centers are part of a system of care overseen by the Department of Developmental Services (DDS). Currently, about 1,800 individuals live in these state institutions and about 250,000 live with services and supports in their communities. A developmental disability is defined as a severe and chronic disability that is attributable to a mental or physical impairment that begins before age 18, including mental retardation, cerebral palsy, autism, epilepsy and other similar conditions. Consumers living in California's developmental centers typically have the most significant physical and behavioral needs, and need extensive services and supports.

Office of Protective Services (OPS)

□

California statute confers peace officer status upon officers in the Office of Protective Services, the law enforcement agency for state's developmental centers. OPS officers are authorized to enforce hospital rules, preserve peace and to protect state property. These officers investigate thefts, trespassing and suspicious person claims, respond to missing client calls, enforce restraining orders, patrol the developmental centers' grounds and investigate suspicious deaths, sexual assaults and other major crimes.

Evaluations of OPS in developmental centers over the past 12 years have considered whether to retain the internal law enforcement presence or remove police functions to an outside entity. These evaluators concluded that the environment and investigative skills needed to work with victims and witnesses who have developmental disabilities is significantly different than what a municipal law enforcement officer would encounter and that, therefore, OPS should be preserved.

History of investigative concerns

California Attorney General

In 2002 the California Attorney General's office released an 82-page paper, "Policing in the Department of Developmental Services, A Review of the Organization and Operations 2000-2001." The authors found:

"? the majority of (law enforcement) personnel lack the training, experience and proper equipment to completely preserve and collect crime scene evidence. While there is a critical need to train personnel, there should also be prearranged agreements with outside agencies to take over the evidence processing upon request." (P. 3)

It recommended that the department establish Memorandums of Understanding with local law enforcement agencies that provide authority for those agencies to independently review investigations completed by OPS, and to create a process for local agencies to assist or take over investigations that are in progress. AB 430, (Cardenas, Chapter 171, Statutes of 2001), requires DDS to report

specified deaths to their local law enforcement agency, and DDS testified that it has established MOUs with those agencies. However it is unclear what investigations have been taken over or aided by local law enforcement agencies.

Civil Rights of Institutionalized Persons Act

In 2004, the federal Department of Justice opened an investigation under the Civil Rights for Institutionalized Persons Act (CRIPA) into practices at Lanterman Developmental Center. Under CRIPA statute, federal investigators inspect state- and locally run facilities to determine whether there is a pattern or practice of violations of residents' federal rights. In 2006, the U.S. Attorney General outlined findings in a 57-page letter to then-Gov. Arnold Schwarzenegger. It labeled as "troubling" the high number of injuries of unknown origin recorded by staff. In a 13-month period, almost half of all incidents recorded were listed as having unknown origin, or more than 760 cases. The federal investigators also found that "an inadequate incident

reporting and investigative system" often hampers resolution of cases of assault by one client upon another.

Disability Rights California

In 2005, what was then Protection and Advocacy Inc. published a 54-page report outlining incidences of genital lacerations within the Sonoma Developmental Center. That report, "A Series of Suspicious Genital Lacerations at one Developmental Center: Did DDS Respond Properly?" raised concerns about investigators lack of recognition of the pattern of injuries, and lack of action in investigating them as a potential series of crimes.

Related legislation

SB 1051 (Liu, Emmerson) would require DDS to report to the state-designated protection and advocacy agency any unexpected or suspicious death, sexual assault allegation implicating an employee of a developmental center or state mental hospital and any report made to a local law enforcement agency involving developmental center residents, and makes other changes.

AB 430, (Cardenas, Chapter 171, Statutes of 2001), the

STAFF ANALYSIS OF SENATE BILL 1522 (Leno)
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budget health bill, mandated that each developmental center immediately report all resident deaths and serious injuries of unknown origin to the appropriate law enforcement agency that may, at its discretion, conduct an independent investigation.

Comments

Advocates suggest that the language in (e) A broken bone when the cause of the break is undetermined, also may be overly broad and could capture a significant number of cases in which no crime occurred. In testimony during the informational hearing, Disability Rights California described that in a recent review of cases, the department conducted investigations into broken bones of unknown origin when patients had severe osteoporosis, and the break was likely accidental. Broken bones as that result from abuse could be captured in category (c) above.

Staff recommends striking the following language from the bill:

(e)A broken bone when the cause of the break is undetermined

POSITIONS

Support: Disability Rights California
The Arc and United Cerebral Palsy in California

Oppose: >

-- END --

LEGISLATIVE ITEM DETAIL SHEET

BILL NUMBER/ISSUE: Senate Bill (SB) 1392-developmental services.

BILL SUMMARY: Sponsored by the Disability Services Association (DSA), this bill requires land from state developmental centers (DCs) to be kept, leased, and place the funds collected into a new special fund. The money from this fund must then be used in accordance with existing portions of the law, which includes the development of integrated housing for individuals eligible for regional center services.

DETAILS AND BACKGROUND: Under current law, state agencies must identify surplus property and dispose of it. When surplus property is sold, the money must be returned to the fund that originally acquired the property, usually the General Fund.

Welfare and Institutions Code (WIC) Section 4688.6 indicates that regional centers may approach the Department of Developmental Services (DDS) when they wish to “provide for, secure, or ensure the full payment of a lease” on integrated housing. If the regional center meets a host of technical requirements (for example, the regional center must approve a developer and their credentials), the regional center may then pay a developer (which can be a nonprofit, or management group) to develop and provide integrated housing.

SB 1392 indicates that the money collected from leasing the land of DCs will be used, upon appropriation by the Legislature, to develop housing in accordance with WIC Section 4688.6. It is unclear what would happen if it were not appropriated by the Legislature. When clarification was requested, Senator Pavley’s staff indicated that the moneys would be appropriated for other purposes consistent with the Lanterman Act.

ANALYSIS/DISCUSSION: If SB 1392 were passed, surplus DCs land would be leased and those moneys collected into a special fund. This fund would be used to develop integrated properties for individuals with intellectual and developmental disabilities to reside. Per the author’s staff, in the event the Legislature does not appropriate the funds, the money would be used for purposes consistent with the Lanterman Act.

This bill is one of many that have been pursued to capture the sale or lease of surplus DC land for the developmental services system. Years ago, the state leased space at Agnews Developmental Center to a service provider in the bay area for the development of housing and services. While the housing never appeared, Hope did use the land for day services. Historical budgets reflect some funds were deposited 62

into a special account within the DDS budget. Surplus land at Fairview Developmental Center did result in the development of integrated housing; while land at Agnews was sold to private entity for business and at Camarillo to the state university system. Currently the remaining half of Agnews, made available upon closure of the entire facility, remains unused and in the control of the Department of General Services (DGS).

More recent efforts to capture these assets have met with opposition from Administrations because they are seen as general government assets as opposed to belonging to the developmental services system, and with the budget deficits, income deemed needed for general State expenses, including the developmental services system.

Currently the bill is silent with respect to assuring that the housing developed is compatible with the continued operations of the developmental center if only a portion of the total land assigned to the center. Nor does the bill ensure that any income from this source will not be used to offset general fund allocations or to address deficits in the DDS budget. Finally the bill does not address how, if any, income will be accessed from land already leased at Camarillo, Stockton and Agnews which have closed all services for people with developmental disabilities. It is assumed that the bill is prospective, thus income from those assets would not fall within the jurisdiction of this bill.

Supporters include the Association of Regional Center Agencies (ARCA), The Arc and United Cerebral Palsy of California, and the California Disability Services Association (CDSA). No one presently opposes SB 1392.

COUNCIL STRATEGIC PLAN OBJECTIVE: The Council will take a position on proposed state and federal legislation and proposed regulations that impact people with developmental disabilities, will communicate those positions to legislators and their staff, and will disseminate this information to all interested parties.

Affordable housing units are developed in local communities to expand housing options for individuals with developmental disabilities.

PRIOR COUNCIL ACTIVITY: The Council, has historically, supported capturing the assets from surplus developmental center land for use in the developmental services system.

RECOMMENDATION(S): Support the intent of SB 1392 and raise the need for the bill to address:

- (1) standards for compatible use of surplus land while the center remains operational and serving people with developmental disabilities;
- (2) disallow access to the special fund for the purpose of offsetting general fund deficiencies in DDS budgets; and
- (3) clarify that the income from surplus land currently being leased, if any, be deposited into this special account.

ATTACHMENT(S): SB 1392, staff analyses of Senate Appropriations Committee and Governmental Organization, and WIC Section 4688.6

PREPARED: Christofer Arroyo, May 10, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1392

Introduced by ~~Senator~~ Senators Pavley and Rubio

February 24, 2012

An act to add Section 11011.22 to the Government Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1392, as amended, Pavley. Developmental services.

Existing law, ~~the Lanterman Developmental Disabilities Services Act, authorizes the~~ *establishes several developmental centers within the jurisdiction of the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities.*

~~This bill would declare the intent of the Legislature to enact legislation relating to the delivery of services to Californians with developmental disabilities.~~

This bill would require, if a specified developmental center is determined to no longer meet the needs of the state for directly serving persons with developmental disabilities, that the real property within the grounds of the developmental center be made available for lease and be leased, subject to certain other leases, to generate revenue for deposit into the Californians with Developmental Disabilities Fund, which the bill would create. The bill would require moneys in this fund to be made available, upon appropriation by the Legislature, to the department for purposes of serving persons with developmental disabilities.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature hereby finds and declares all of*
2 *the following:*

3 (a) *The Lanterman Developmental Services Act states that the*
4 *State of California accepts a responsibility for persons with*
5 *developmental disabilities and an obligation to them that it must*
6 *discharge.*

7 (b) *Some persons with developmental disabilities live in one of*
8 *four state-owned and state-operated developmental centers or*
9 *participate in the community-based residential program.*

10 (c) *As demonstrated by developmental centers that the state has*
11 *previously closed, including the Stockton, Camarillo, and Agnews*
12 *Developmental Centers, upon closure the residents still require*
13 *ongoing supports and services, including residential services, as*
14 *they transition to community-based housing, programs, and service.*

15 (d) *The obligation by the State Department of Developmental*
16 *Services to meet the housing and other needs of these persons*
17 *under the Lanterman Developmental Disabilities Act necessitates*
18 *thoughtful consideration, including, but not limited to, the use of*
19 *previously closed developmental centers property in any manner*
20 *possible for the benefit of the population served.*

21 SEC. 2. *Section 11011.22 is added to the Government Code,*
22 *to read:*

23 11011.22. (a) *Notwithstanding Section 11011, if the real*
24 *property within the grounds of Agnews State Hospital, Camarillo*
25 *State Hospital, Fairview State Hospital, Lanterman State Hospital,*
26 *Porterville State Hospital, Sonoma State Hospital, or Stockton*
27 *State Hospital is determined to no longer meet the needs of the*
28 *state for directly serving persons with developmental disabilities,*
29 *the real property, subject to any lease entered into pursuant to a*
30 *statute enacted prior to the effective date of this section, shall be*
31 *made available for lease and be leased in order to generate*
32 *revenue for deposit into the Californians with Developmental*
33 *Disabilities Fund.*

34 (b) *The Californians with Developmental Disabilities Fund is*
35 *hereby created in the State Treasury. Moneys in the fund shall,*
36 *upon appropriation by the Legislature, be made available to the*
37 *State Department of Developmental Services for purposes of*

1 *serving persons with developmental disabilities, subject to Section*
2 *4688.6 of the Welfare and Institutions Code.*

3 ~~SECTION 1. It is the intent of the Legislature to enact~~
4 ~~legislation relating to the delivery of services to Californians with~~
5 ~~developmental disabilities.~~

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8 **CORRECTIONS:**

9 **Text—Page 2.**

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4688.6. (a) Notwithstanding any other provision of law to the contrary, the department may receive and approve a proposal or proposals by any regional center to provide for, secure, or ensure the full payment of a lease or leases on housing based on the availability for occupancy in each home. These proposals shall not include an adult residential facility for persons with special health care needs, as defined in Section 1567.50 of the Health and Safety Code. Proposals submitted by regional centers shall meet all of the following conditions:

(1) The acquired or developed real property is available for occupancy by individuals eligible for regional center services and is integrated with other housing in the community for people without disabilities.

(2) The regional center has submitted documents demonstrating the appropriate credentials and terms of the project and has approved the proposed nonprofit ownership entity, management entity, and developer or development entity for each project.

(3) The costs associated with the proposal are reasonable and maximize the receipt of federal Medicaid funding. The department shall only approve proposals that include a process for the regional center to review recent sales of comparable properties to ensure the purchase price is within the range of fair market value and, if significant renovations of a home will be undertaken after the home is purchased, competing bids for that renovation work to ensure that the cost of the work is reasonable. For purposes of this subdivision, "significant renovations" means renovations that exceed 5 percent of the purchase price of the home.

(4) The proposal includes a plan for a transfer at a time certain of the real property's ownership to a nonprofit entity to be approved by the regional center.

(5) The regional center has submitted, with the proposal, the nonrefundable developer fee established in subdivision (d).

(b) Prior to approving a regional center proposal pursuant to subdivision (a), the department may contract or consult with a public or private sector entity that has appropriate experience in structuring complex real estate financial transactions, but is not otherwise involved in any lending related to the project to review any of the following:

(1) The terms and conditions of the financing structure for acquisition or development of the real property.

(2) Any and all agreements that govern the real property's ownership, occupancy, maintenance, management, and operation, to ensure that the use of the property is maintained for the benefit of persons with developmental disabilities.

(c) The department may impose a limit on the number of proposals considered pursuant to subdivision (a). If a limit is imposed, the department shall notify the Association of Regional Center Agencies.

(d) (1) The department shall charge the developer of the housing described in the regional center proposal a reasonable, nonrefundable fee for each proposal submitted. The fee shall be for the purpose of

reimbursing the department's costs associated with conducting the review and approval required by subdivision (b). The fee shall be set by the department within 30 days of the effective date of the act that added this section, and shall be adjusted annually, as necessary, to ensure the payment of the costs incurred by the department.

(2) Fees collected shall be deposited in the Developmental Disabilities Services Account established pursuant to Section 14672.9 of the Government Code and shall be used solely for the purpose of conducting the review and approval required by subdivision (b), upon appropriation by the Legislature. Interest and dividends on moneys collected pursuant to this section shall, notwithstanding Section 16305.7 of the Government Code, be retained in the account for purposes of this section. Moneys deposited in the Developmental Disabilities Services Account pursuant to this subdivision shall not be subject to the requirements of subdivision (i) of Section 14672.9 of the Government Code.

(3) Notwithstanding paragraph (2), for the 2008-09 fiscal year, the Director of Finance may approve an expenditure of up to seventy-five thousand dollars (\$75,000) by the department from moneys deposited in the account for the purposes specified in subdivision (b). In the 2009-10 fiscal year and each fiscal year thereafter, moneys shall be available to the department upon appropriation by the Legislature.

(e) No sale, encumbrance, hypothecation, assignment, refinancing, pledge, conveyance, exchange, or transfer in any other form of the real property, or of any of its interest therein, shall occur without the prior written approval of the department and the regional center.

(f) Notice of the restrictions pursuant to this section shall be recorded against the acquired or developed real property subject to this section.

(g) At least 30 days prior to granting approval under subdivision (e), the department shall provide notice to the chairpersons and vice chairpersons of the fiscal committees of the Assembly and the Senate and the Director of Finance.

(h) The regional center shall not be eligible to acquire or develop real property for the purpose of residential housing.

(i) Unless otherwise authorized by law, a regional center shall not use purchase of service funds to implement this section.

(j) With the exception of funds authorized in paragraph (3) of subdivision (d), this section shall be implemented within the department's annual budget. This subdivision shall not preclude the receipt or use of federal, state non-General Fund, or private funds to implement this section.

(k) The department shall establish guidelines and procedures for the administration of this section.

BILL ANALYSIS

1392

Bill No: SB

SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
 Senator Roderick D. Wright, Chair
 2011-2012 Regular Session
 Staff Analysis

SB 1392 Author: Pavley
 As Amended: April 9, 2012
 Hearing Date: April 24, 2012
 Consultant: Paul Donahue

SUBJECT

Leasing of specified developmental centers

DESCRIPTION

This bill provides that if any of seven<1> specified developmental centers no longer meets the needs of the state for directly serving people with developmental disabilities, the real property within the grounds of the developmental center shall be made available for lease by the state.

The real property shall be leased in order to generate revenue for deposit into the Californians with Developmental Disabilities Fund, which is created by the bill.

Upon legislative appropriation, moneys in the Fund would be available to the Department of Developmental Services (DDS) to serve persons with developmental disabilities, subject to existing statutes governing DDS approvals of specified regional center housing leases.

EXISTING LAW

<1> The seven facilities: Agnews State Hospital, Camarillo State Hospital, Fairview State Hospital, Lanterman State Hospital, Porterville State Hospital, Sonoma State Hospital, or Stockton State Hospital

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SB 1392 (Pavley) continued
PageB

- 1) Establishes several developmental centers within the jurisdiction of the DDS.
- 2) Authorizes the Department of General Services (DGS) to dispose of state property that is determined to be surplus, subject to authorization by the Legislature.
- 3) The California Constitution specifies that the proceeds

from the sale of surplus state property be used to pay the principal and interest on bonds issued pursuant to the Economic Recovery Bond Act until the principal and interest on those bonds are fully paid, after which these proceeds are required to be deposited into the Special Fund for Economic Uncertainties.

- 4) Requires the net proceeds from any real property disposition be paid into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, a continuously appropriated fund, until the bonds issued pursuant to the Economic Recovery Bond Act are retired.

BACKGROUND

1) Author's purpose : The author states that, as state-owned and operated Developmental Centers no longer meet the needs of the state for directly serving persons with disabilities, the residents move to various community-based programs better designed to meet their needs and help them achieve their goals. Too often the resources to pay for these services, housing or support must come from already stressed existing resources.

The author proposes that Developmental Center property continue to be made available as a funding stream by leasing, rather than selling, with the revenue generated deposited into the Californians with Developmental Disabilities Fund, managed by the DDS.

The author notes that this bill does not propose the closure of any State Developmental Center. The intent is to preserve the economic value of the real property at a developmental center and provide the state with an alternative option to liquidating the asset, without addressing the unmet needs of former residents.

2) Leasing of developmental centers : Proposition 60A,

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SB 1392 (Pavley) continued
PageC

passed by 73% of the electorate in November 2004, dedicates proceeds from sale of surplus state property purchased with General Fund monies to payment of principal and interest on Economic Recovery Bonds approved in March 2004.<2> When those bonds are repaid, proceeds from the sale of surplus property sales are directed to the Special Fund for Economic Uncertainties.

If, on the other hand, a parcel of state-owned real property is leased, the net proceeds could be used for any purpose that the Legislature determines is reasonable.

3) Statistical information : Currently, five state-owned developmental centers are budgeted to serve 1,533 persons with developmental disabilities in 2012-13. The average cost of serving an individual in the state-owned facilities is estimated to rise in 2012-13 to greater than \$364,000 per bed, while the average cost in the community housing alternatives is approximately \$125,000 per bed. There are now fewer than 1,600 people still residing in the state's developmental centers.

PRIOR/RELATED LEGISLATION

SB 1681(Battin) Chapter 532, Statutes of 2008 . Requires the state to first offer surplus state real property to local agencies, and next, to offer the property to nonprofit affordable housing sponsors, prior to offering the property to private entities.

SB 900 (Denham) 2006-2006 Session . Would have repealed provisions of law that allowed for the transfer of state-owned real property at less than fair market value to local agencies of property to be used for certain recreational and low-or moderate-income housing purposes by the local agencies. (Held on Appropriations Suspense)

SUPPORT:

<2> Proposition 57, the Economic Recovery Bond Act of 2004, authorized the state to sell \$15 billion in long-term bonds to pay off accumulated deficits. Proposition 57 went into effect and was contingent upon passage of Proposition 58 (the California Balanced Budget Act), which also passed in March 2004.

SB 1392 (Pavley) continued
PageD

Association of Regional Center Agencies
California Disability Services Association (sponsor)
The Arc and United Cerebral Palsy in California

OPPOSE:

None on file

FISCAL COMMITTEE: Senate Appropriations Committee

BILL ANALYSIS

Senate Appropriations Committee Fiscal Summary
Senator Christine Kehoe, Chair

SB 1392 (Pavley) - Developmental services.

Amended: April 9, 2012	Policy Vote: GO 12-1
Urgency: No	Mandate: No
Hearing Date: May 7, 2012	Consultant: Bob Franzoia

This bill meets the criteria for referral to the Suspense File.

Bill Summary: SB 1392 would require if a developmental center is determined to no longer meet the needs of the state for directly serving developmentally disabled persons that the grounds of the center be made available for lease.

Fiscal Impact: Redirection of lease revenue from the General Fund to a restricted purpose.

Unknown lease revenue annually.

Potentially major loss of General Fund revenue.

Delayed payment of debt service.

Background: Existing law requires a state agency to review annually its real property holdings and determine what, if any, is in excess of its foreseeable needs. These properties are commonly referred to as surplus state properties. They include both unused properties and those which are underutilized by an agency. Once real property has been identified as surplus, the state attempts to sell the property, or dispose of it in some other manner.

Existing law provides that the Department of General Services (department) shall sell surplus property at fair market value but provides discretion to sell at less than fair market value under certain conditions. When surplus property is sold, the sales revenues are deposited into the account that originally paid for the acquisition of the property. In most instances, sale revenues are deposited in the General Fund and are available for expenditure on any state program.

Proposition 57, the Economic Recovery Bond Act of 2004, authorized the sale of \$15 billion in long term bonds to pay off accumulated debt. Pursuant to Proposition 60A (2004), proceeds from the sale of surplus properties are deposited in the Deficit

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Recovery Bond Retirement Sinking Fund Subaccount and are be used to pay the principal and interest on Proposition 57 bonds. Once these bonds are fully repaid, proceeds from surplus property sales would be deposited in the General Fund. Proposition 60A only applies to those properties that were purchased with General Fund revenue or bonds secured by the General Fund. Proposition 60A does not apply to the sale of surplus property acquired with special funds.

Revenue from the leasing of state property may be used for any purpose.

As of April 1, 2012, the balance on the \$15 billion of economic recovery bonds was \$6.5 billion. This bill would prohibit the sale of certain properties, the proceeds of which could be used to reduce that balance.

Proposed Law: If the real property within the grounds of Agnews State Hospital, Camarillo State Hospital, Fairview State Hospital, Lanterman State Hospital, Porterville State Hospital, Sonoma State Hospital, or Stockton State Hospital is determined to no longer meet the needs of the state for directly serving persons with developmental disabilities, the real property, subject to any lease entered into pursuant to a statute enacted prior to the effective date of this section, shall be made available for lease and be leased in order to generate revenue for deposit into the Californians with Developmental Disabilities Fund, which is created by this bill.

Moneys in the fund shall, upon appropriation by the Legislature, be made available to the Department of Developmental Services (department) for purposes of supporting community services (Welfare and Institutions Code 4688.6) for persons with developmental disabilities.

Agnews State Hospital and Stockton State Hospital were previously designated surplus and Camarillo State Hospital was converted to CSU Channel Islands. At Lanterman State Hospital, the department is proceeding with closure activities.

Staff Comments: While it may appear attractive to require the lease, rather than the sale, of underutilized state property such a requirement could result in major revenue losses one time or ongoing depending on the real property. (Real property is

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generally the land and structures affixed to the property.) For example, old buildings may be designed historical which makes renovation extremely costly and leasing very difficult. The state may be able to sell a property for a major revenue gain but only lease the property for a minor revenue increase annually. With a public private partnership agreement, the state may negotiate a sale and lease arrangement that generates a one time revenue increase and ongoing lease revenue (or an offset).

Additionally, the state will forgive rent to offset capital improvements made by the tenant further reducing lease revenue. Thus, this bill could have the effect of generating a small amount of lease revenue annually for a restricted use while precluding a major General Fund revenue increase from a sale of the property.

LEGISLATIVE AGENDA ITEM DETAIL SHEET

BILL NUMBER/ISSUE: H.R.4297 - Workforce Investment Improvement Act of 2012.

SUMMARY: Sponsored by Representatives Foxx, McKeon, Heck. Bucshon, Kline and Roe, HR 4297 would consolidate more than two dozen existing federal workforce programs including current WIA formula and national programs, Wagner-Peyser Employment Services, Job Corps, and others into a single \$6 billion Workforce Investment Fund, which would be allocated to states and localities by formula. In addition, the bill would:

- Eliminate all current membership requirements for state and local workforce boards
- Require states to reserve no more than 18 percent of Workforce Investment Fund allotments for new State Youth Challenge Grants
- Require states to reserve 2 percent of Workforce Investment Fund allotments for grants to serve adults with barriers to employment
- Eliminate the requirement that local WIBs give priority for services to low-income
- Require states to reserve 2 percent of Workforce Investment Fund allotments for grants to serve adults with barriers to employment individuals;
- Eliminate the requirement that local WIBs give priority for services to low-income individuals.
- Mandate a minimum percentage of local area allocations that must be used for training services.
- Set common performance measures for the Workforce Investment Fund, adult education programs under Title II, and Vocational Rehabilitation programs under Title IV.

BACKGROUND: The federal government currently administers roughly 47 job training and employment programs across nine federal agencies. Most programs overlap and serve the same populations, and only five of these initiatives have been evaluated for effectiveness. As a result of this broken system, financial resources are wasted, employers are unable to hire a properly trained workforce, and workers lack the skills necessary for success. Federal requirements have also left state and local workforce boards – which are responsible for policy and oversight of area training and employment services – mired in bureaucracy with little flexibility to target resources to meet the workforce needs of unemployed workers and employers.

Workforce investment boards are responsible for policymaking and oversight of job training assistance provided at the state and local level, yet the federal government dictates the size and membership of the boards. H.R. 4297 grants state and local

officials the authority to fill the remaining slots of the boards, thereby ensuring the board members reflect the priorities of local communities.

ANALYSIS/DISCUSSION: Despite administering dozens of job training programs, the federal government has only evaluated five programs to determine whether they are effectively helping workers gain new skills and find employment. The Workforce Investment Improvement Act of 2012 outlines a common set of performance measures for all programs and requires the U.S. Department of Labor to conduct an evaluation of its programs every five years. The bill makes a number of important improvements to the current performance and accountability system, including the implementation of common performance measures across WIA core programs.” The Workforce Investment Improvement Act of 2012 reflects commitment to advancing policies that prepare workers with the skills and training they need to succeed in today’s labor market environment.

COUNCIL STRATEGIC PLAN OBJECTIVE: Goal #14-Public policy in California promotes the independence, productivity, inclusion and self determination of individuals with developmental disabilities and their families.

Objective 14a- The Council will take a position on proposed state and federal legislation and proposed regulations that impact people with developmental disabilities, will communicate those positions to legislators and their staff, and will disseminate this information to all interested parties.

PRIOR COUNCIL ACTIVITY: The Council is invested in improving the integrated competitive employment of individuals with developmental disabilities and is addressing how the Workforce Investment Act can be used to further this goal through the Employment First Committee.

STAFF RECOMMENDATION: Watch HR 4297

ATTACHMENT: HR 4297 (as bill is 214 pages, attached are key selected pages)

PREPARED: Karim Alipourfard May 10, 2012

112TH CONGRESS
2D SESSION

H. R. 4297

To reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st century.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2012

Ms. FOXX (for herself, Mr. McKEON, and Mr. HECK) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Agriculture, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st century.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workforce Investment
5 Improvement Act of 2012”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

1 duct, to prepare individuals for unsubsidized
2 employment or training;

3 “(R) internships and work experience;

4 “(S) literacy activities relating to basic
5 work readiness, information and communication
6 technology literacy activities, and financial lit-
7 eracy activities, if such activities are not avail-
8 able to participants in the local area under pro-
9 grams administered under the Adult Education
10 and Family Literacy Act (20 U.S.C. 2901 et
11 seq.); and

12 “(T) out-of-area job search assistance and
13 relocation assistance.”; and

14 (C) by amending paragraph (3) to read as
15 follows:

16 “(3) DELIVERY OF SERVICES.—The work ready
17 services described in section 132(c)(2) shall be pro-
18 vided through the one-stop delivery system and may
19 be provided through contracts with public, private
20 for-profit, and private nonprofit service providers,
21 approved by the local board.”;

22 (D) in paragraph (4)—

23 (i) by amending subparagraph (A) to
24 read as follows:

1 “(A) IN GENERAL.—Funds allocated to a
2 local area under section 133(b) shall be used to
3 provide training services to individuals who—

4 “(i) after an interview, evaluation, or
5 assessment, and case management, have
6 been determined by a one-stop operator or
7 one-stop partner, as appropriate, to—

8 “(I) be in need of training serv-
9 ices to obtain or retain employment;
10 and

11 “(II) have the skills and quali-
12 fications to successfully participate in
13 the selected program of training serv-
14 ices;

15 “(ii) select programs of training serv-
16 ices that are directly linked to the employ-
17 ment opportunities in the local area in-
18 volved or in another area in which the indi-
19 vidual receiving such services are willing to
20 commute or relocate; and

21 “(iii) who meet the requirements of
22 subparagraph (B);” and

23 (ii) in subparagraph (B)(i), by strik-
24 ing “Except” and inserting “Notwith-
25 standing section 479B of the Higher Edu-

1 cation Act of 1965 (20 U.S.C. 1087uu)
 2 and except”;

3 (iii) by amending subparagraph (D) to
 4 read as follows:

5 “(D) TRAINING SERVICES.—Training serv-
 6 ices authorized under this paragraph may in-
 7 clude—

8 “(i) occupational skills training;

9 “(ii) on-the-job training;

10 “(iii) skill upgrading and retraining;

11 “(iv) entrepreneurial training;

12 “(v) education activities leading to a
 13 regular secondary school diploma or its
 14 recognized equivalent in combination with,
 15 concurrently or subsequently, occupational
 16 skills training;

17 “(vi) adult education and literacy ac-
 18 tivities provided in conjunction with other
 19 training authorized under this subpara-
 20 graph;

21 “(vii) workplace training combined
 22 with related instruction; and

23 “(viii) occupational skills training that
 24 incorporates English language acquisi-
 25 tion.”;

(iv) by striking subparagraph (E) and redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

(v) in subparagraph (E) (as so redesignated)—

(I) in clause (ii)—

(aa) in the matter preceding clause (I), by striking “subsection (c)” and inserting “section 121”; and

(bb) in clause (II), by striking “subsections (e) and (h)” and inserting “subsection (i)”; and

(II) by striking clause (iii) and inserting the following:

“(iii) CAREER ENHANCEMENT ACCOUNTS.—An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a case manager, select an eligible provider of training services from the list or identifying information for providers described in clause (ii)(I). Upon such selection, the one-stop operator involved shall,

1 to the extent practicable, refer such indi-
 2 vidual to the eligible provider of training
 3 services, and arrange for payment for such
 4 services through a career enhancement ac-
 5 count.

6 “(iv) COORDINATION.—Each local
 7 board may, through one-stop centers, co-
 8 ordinate career enhancement accounts with
 9 other Federal, State, local, or private job
 10 training programs or sources to assist the
 11 individual in obtaining training services.

12 “(v) ENHANCED CAREER ENHANCE-
 13 MENT ACCOUNTS.—Each local board may,
 14 through one-stop centers, assist individuals
 15 receiving career enhancement accounts
 16 through the establishment of such accounts
 17 that include, in addition to the funds pro-
 18 vided under this paragraph, funds from
 19 other programs and sources that will assist
 20 the individual in obtaining training serv-
 21 ices.”; and

22 (vi) in subparagraph (G)—

23 (I) in the subparagraph heading,
 24 by striking “INDIVIDUAL TRAINING

1 ACCOUNTS” and inserting “CAREER
2 ENHANCEMENT ACCOUNTS”;

3 (II) in clause (i) by striking “in-
4 dividual training accounts” and in-
5 serting “career enhancement ac-
6 counts”;

7 (III) in clause (ii)—

8 (aa) by striking “an indi-
9 vidual training account” and in-
10 serting “a career enhancement
11 account”;

12 (bb) in subclause (II), by
13 striking “individual training ac-
14 counts” and inserting “career en-
15 hancement accounts”;

16 (cc) in subclause (II) by
17 striking “or” after the semicolon;

18 (dd) in subclause (III) by
19 striking the period and inserting
20 “; or”; and

21 (ee) by adding at the end of
22 the following:

23 “(IV) the local board determines
24 that it would be most appropriate to
25 award a contract to an institution of

1 higher education in order to facilitate
 2 the training of multiple individuals in
 3 in-demand sectors or occupations, if
 4 such contract does not limit customer
 5 choice.”;

6 (IV) in clause (iii), by striking
 7 “adult or dislocated worker” and in-
 8 serting “individual”; and

9 (V) in clause (iv)—

10 (aa) by redesignating sub-
 11 clause (IV) as subclause (V) and
 12 inserting after subclause (III) the
 13 following:

14 “(IV) Individuals with disabil-
 15 ities.”;

16 (6) in subsection (d) (as so redesignated)—

17 (A) by amending paragraph (1) to read as
 18 follows:

19 “(1) DISCRETIONARY ONE-STOP DELIVERY AC-
 20 TIVITIES.—

21 “(A) IN GENERAL.—Funds allocated to a
 22 local area under section 133(b) may be used to
 23 provide, through the one-stop delivery system—

1 “(i) customized screening and referral
2 of qualified participants in training serv-
3 ices to employers;

4 “(ii) customized employment-related
5 services to employers on a fee-for-service
6 basis;

7 “(iii) customer support to navigate
8 among multiple services and activities for
9 special participant populations that face
10 multiple barriers to employment, including
11 individuals with disabilities;

12 “(iv) employment and training assist-
13 ance provided in coordination with child
14 support enforcement activities of the State
15 agency carrying out subtitle D of title IV
16 of the Social Security Act (42 U.S.C. 651
17 et seq.);

18 “(v) activities to facilitate remote ac-
19 cess to services provided through a one-
20 stop delivery system, including facilitating
21 access through the use of technology; and

22 “(vi) activities to carry out business
23 services and strategies that meet the work-
24 force investment needs of local area busi-
25 nesses, as determined by the local board,

1 consistent with the local plan under section
2 118, which services—

3 “(I) may be provided through ef-
4 fective business intermediaries work-
5 ing in conjunction with the local
6 board, and may also be provided on a
7 fee-for-service basis or through the
8 leveraging of economic development
9 and other resources as determined ap-
10 propriate by the local board; and

11 “(II) may include—

12 “(aa) identifying and dis-
13 seminating to business, edu-
14 cators, and job seekers, informa-
15 tion related to the workforce, eco-
16 nomic and community develop-
17 ment needs, and opportunities of
18 the local economy;

19 “(bb) development and deliv-
20 ery of innovative workforce in-
21 vestment services and strategies
22 for area businesses, which may
23 include sectoral, industry cluster,
24 regional skills alliances, career
25 ladder, skills upgrading, skill

1 standard development and certifi-
2 cation, apprenticeship, and other
3 effective initiatives for meeting
4 the workforce investment needs
5 of area employers and workers;

6 “(cc) participation in semi-
7 nars and classes offered in part-
8 nership with relevant organiza-
9 tions focusing on the workforce-
10 related needs of area employers
11 and job seekers;

12 “(dd) training consulting,
13 needs analysis, and brokering
14 services for area businesses, in-
15 cluding the organization and ag-
16 gregation of training (which may
17 be paid for with funds other than
18 those provided under this title),
19 for individual employers and coa-
20 litions of employers with similar
21 interests, products, or workforce
22 needs;

23 “(ee) assistance to area em-
24 ployers in the aversion of layoffs
25 and in managing reductions in

1 workforce in coordination with
2 rapid response activities;

3 “(ff) the marketing of busi-
4 ness services offered under this
5 title, to appropriate area employ-
6 ers, including small and mid-
7 sized employers;

8 “(gg) information referral
9 on concerns affecting local em-
10 ployers; and

11 “(hh) other business services
12 and strategies designed to better
13 engage employers in workforce
14 investment activities and to make
15 the workforce investment system
16 more relevant to the workforce
17 investment needs of area busi-
18 nesses, as determined by the local
19 board to be consistent with the
20 objectives of this title.”.

21 (B) by striking paragraphs (2) and (3);

22 and

23 (C) by adding at the end the following:

24 “(2) INCUMBENT WORKER TRAINING PRO-
25 GRAMS.—

1 “(A) IN GENERAL.—The local board may
2 use funds allocated to a local area under section
3 133(b)(2) to carry out incumbent worker train-
4 ing programs in accordance with this para-
5 graph.

6 “(B) TRAINING ACTIVITIES.—The training
7 programs for incumbent workers under this
8 paragraph shall be carried out by the local area
9 in conjunction with the employers of such work-
10 ers for the purpose of assisting such workers in
11 obtaining the skills necessary to retain employ-
12 ment and avert layoffs.

13 “(C) EMPLOYER MATCH REQUIRED.—

14 “(i) IN GENERAL.—Employers partici-
15 pating in programs under this paragraph
16 shall be required to pay a proportion of the
17 costs of providing the training to the in-
18 cumbent workers of the employers. The
19 State board, in consultation with the local
20 board as appropriate, shall establish the
21 required portion of such costs, which may
22 include in-kind contributions. The required
23 portion shall not be less than 50 percent of
24 the costs.

1 “(B) STATEWIDE RAPID RESPONSE ACTIVI-
 2 TIES.—Funds reserved by a Governor for a
 3 State as described in section 133(a)(2) shall be
 4 used to carry out the statewide rapid response
 5 activities described in paragraph (4).

6 “(C) STATEWIDE YOUTH CHALLENGE
 7 GRANTS.—Funds reserved by a Governor for a
 8 State as described in section 133(a)(3) shall be
 9 used to carry out the Statewide Youth Chal-
 10 lenge Grant competition described in paragraph
 11 (5).

12 “(D) STATEWIDE ADULTS WITH BARRIERS
 13 TO EMPLOYMENT GRANTS.—Funds reserved by
 14 a Governor for a State as described in section
 15 133(a)(4) shall be used to carry out the State-
 16 wide Adults with Barriers to Employment
 17 Grant competition described in paragraph (6).

18 “(2) REQUIRED STATEWIDE EMPLOYMENT AND
 19 TRAINING ACTIVITIES.—A State shall use funds re-
 20 served as described in section 133(a)(1) to carry out
 21 statewide employment and training activities, which
 22 shall include—

23 “(A) supporting the provision of work
 24 ready services described in subsection (c)(2) in
 25 the one-stop delivery system;

1 “(B) implementing innovative programs
2 and strategies designed to meet the needs of all
3 businesses in the State, including small busi-
4 nesses, which may include incumbent worker
5 training programs, sectoral and industry cluster
6 strategies and partnerships, including regional
7 skills alliances, sectoral skills partnerships (in
8 which representatives of multiple employers for
9 a specific industry sector or group of related oc-
10 cupations, economic development agencies, pro-
11 viders of training services described in sub-
12 section (c)(4), labor federations, and other enti-
13 ties that can provide needed supportive services
14 tailored to the needs of workers in that sector
15 or group, for a local area or region, identify
16 gaps between the current and expected demand
17 and supply of labor and skills in that sector or
18 group for that area or region and develop a
19 strategic skills gap action plan), career ladder
20 programs, micro-enterprise and entrepreneurial
21 training and support programs, utilization of ef-
22 fective business intermediaries, activities to im-
23 prove linkages between the one-stop delivery
24 system in the State and all employers (includ-
25 ing small employers) in the State, and other

1 business services and strategies that better en-
 2 gage employers in workforce investment activi-
 3 ties and make the workforce investment system
 4 more relevant to the needs of State and local
 5 businesses, consistent with the objectives of this
 6 title; and

7 “(C) conducting evaluations under section
 8 136(e) of activities authorized under this chap-
 9 ter in coordination with evaluations carried out
 10 by the Secretary under section 172.

11 “(3) ALLOWABLE STATEWIDE EMPLOYMENT
 12 AND TRAINING ACTIVITIES.—A State may use funds
 13 reserved as described in section 133(a)(1) to carry
 14 out statewide employment and training activities
 15 which may include—

16 “(A) providing incentive grants to local
 17 areas for regional cooperation among local
 18 boards (including local boards in a designated
 19 region as described in section 116(c)), for local
 20 coordination of activities carried out under this
 21 Act, and for exemplary performance by local
 22 areas on the local performance measures;

23 “(B) providing technical assistance and ca-
 24 pacity building to local areas, one-stop opera-
 25 tors, one-stop partners, and eligible providers,

1 including the development and training of staff,
 2 the development of exemplary program activi-
 3 ties, and the provision of technical assistance to
 4 local areas that fail to meet local performance
 5 measures;

6 “(C) operating a fiscal and management
 7 accountability system under section 136(f);

8 “(D) carrying out monitoring and over-
 9 sight of activities carried out under this chap-
 10 ter;

11 “(E) developing strategies for effectively
 12 integrating programs and services among one-
 13 stop partners; and

14 “(F) carrying out activities to facilitate re-
 15 mote access to services provided through a one-
 16 stop delivery system, including facilitating ac-
 17 cess through the use of technology.

18 “(4) STATEWIDE RAPID RESPONSE ACTIVI-
 19 TIES.—A State shall use funds reserved as described
 20 in section 133(a)(2) to carry out statewide rapid re-
 21 sponse activities, which shall include—

22 “(A) provision of rapid response activities,
 23 carried out in local areas by the State or by an
 24 entity designated by the State, working in con-

1 junction with the local boards and the chief
2 elected officials in the local areas; and

3 “(B) provision of additional assistance to
4 local areas that experience disasters, mass lay-
5 offs or plant closings, or other events that pre-
6 cipitate substantial increases in the number of
7 unemployed individuals, carried out in local
8 areas by the State or by an entity designated
9 by the State, working in conjunction with the
10 local boards and the chief elected officials in the
11 local areas.

12 “(5) STATEWIDE YOUTH CHALLENGE
13 GRANTS.—

14 “(A) IN GENERAL.—Of the funds reserved
15 as described in section 133(a)(3), the Governor
16 of a State—

17 “(i) may reserve up to 5 percent to
18 provide technical assistance to, and con-
19 duct evaluations as described in section
20 136(e) of the programs and activities car-
21 ried out under this paragraph; and

22 “(ii) using the remainder, shall award
23 grants, on a competitive basis, to eligible
24 entities to carry out programs and activi-
25 ties authorized under this paragraph to as-

1 sist eligible youth in acquiring the edu-
2 cation and skills, credentials, and employ-
3 ment experience necessary to succeed in
4 the labor market.

5 “(B) ELIGIBLE ENTITY DEFINED.—For
6 purposes of this paragraph, the term ‘eligible
7 entity’ means—

8 “(i) a local board or a consortium of
9 local boards;

10 “(ii) a nonprofit entity, for-profit enti-
11 ty, or a consortium of nonprofit or for-
12 profit entities with a demonstrated record
13 of—

14 “(I) placing youth into year-
15 round employment;

16 “(II) successfully implementing
17 dropout recovery activities, or

18 “(III) successfully implementing
19 intensive and fully supervised pro-
20 grams of education, career training,
21 and work experience; or

22 “(iii) a consortium of the entities de-
23 scribed in clauses (i) and (ii).

24 “(C) GRANT PERIOD.—

1 “(i) IN GENERAL.—A grant under
2 this paragraph shall be awarded for a pe-
3 riod of 1 year.

4 “(ii) GRANT RENEWAL.—A Governor
5 of a State may renew, for up to 4 addi-
6 tional 1-year periods, a grant awarded
7 under this paragraph.

8 “(D) AUTHORITY TO REQUIRE MATCH.—A
9 Governor of a State may require that eligible
10 entities receiving grants under this paragraph
11 provide a non-Federal share of the cost of ac-
12 tivities carried out under this paragraph.

13 “(E) ELIGIBLE YOUTH.—To be eligible to
14 participate in activities under this paragraph,
15 an individual shall be a youth between the ages
16 16 and 24 as of the time the eligibility deter-
17 mination is made by the Governor of the State
18 who is—

19 “(i) a secondary school dropout;

20 “(ii) a member of a low-income fam-
21 ily;

22 “(iii) a youth in foster care (including
23 youth aging out of foster care);

24 “(iv) a youth offender;

1 “(v) a youth who is an individual with
2 a disability;

3 “(vi) a child of incarcerated parents;
4 or

5 “(vii) a migrant youth.

6 “(F) USE OF FUNDS.—An eligible entity
7 receiving a grant under this paragraph shall use
8 such funds for activities that are designed to
9 assist eligible youth in acquiring the education
10 and skills, credentials, and employment experi-
11 ence that are necessary to succeed in the labor
12 market by carrying out at least one of the fol-
13 lowing:

14 “(i) Training and internships for out-
15 of-school youth in in-demand industries or
16 occupations important to the State and
17 local economy.

18 “(ii) Dropout recovery activities that
19 are designed to lead to the attainment of
20 a secondary school diploma, General Edu-
21 cation Development (GED) credential, or
22 other State-recognized equivalent (includ-
23 ing recognized alternative standards for in-
24 dividuals with disabilities).

1 “(iii) Activities designed to assist spe-
2 cial youth populations, such as court-in-
3 volved youth, homeless youth, foster-chil-
4 dren, young parents, and youth with dis-
5 abilities.

6 “(iv) Activities combining remediation
7 of academic skills, work readiness training,
8 and work experience, and including link-
9 ages to postsecondary education and train-
10 ing, apprenticeships, and career-ladder em-
11 ployment.

12 “(v) Operating a residential center,
13 such as a Job Corps Center described in
14 subparagraph (I) if the requirements de-
15 scribed in clause (iii) of such subparagraph
16 are met, that shall be operated so as to
17 provide enrollees, in a well-supervised set-
18 ting, with access to activities described in
19 this subparagraph.

20 “(vi) Other evidence-based strategies
21 or activities designed to improve the edu-
22 cation and employment outcomes for
23 youth.

24 “(G) APPLICATIONS.—To be eligible to re-
25 ceive a grant under this paragraph, an eligible

1 entity shall submit an application to a State at
2 such time, in such manner, and containing such
3 information as the State may require, includ-
4 ing—

5 “(i) a description of how the strate-
6 gies and activities will be aligned with the
7 State plan submitted under section 112
8 and the local plans submitted under sec-
9 tion 118 with respect to the areas of the
10 State that will be the focus of grant activi-
11 ties under this paragraph;

12 “(ii) a description of the educational
13 and skills training programs and activities
14 the eligible entity will provide to eligible
15 youth under this paragraph;

16 “(iii) how the eligible entity will col-
17 laborate with State and local workforce in-
18 vestment systems established under this
19 title in the provision of such programs and
20 activities;

21 “(iv) a description of the programs of
22 demonstrated effectiveness on which the
23 provision of such educational and skills
24 training programs and activities are based,
25 and a description of how such programs

1 and activities will improve the education
2 and skills training for eligible youth;

3 “(v) a description of youth popu-
4 lations to be served and the skill needs of
5 those populations, and the manner in
6 which eligible youth will be recruited and
7 selected as participants;

8 “(vi) a description of the private and
9 public, and local and State resources that
10 will be leveraged, in addition to the grant
11 funds provided under this paragraph, to
12 provide the programs and activities under
13 this paragraph, and how the entity will en-
14 sure the sustainability of such programs
15 and activities after grant funds are no
16 longer available;

17 “(vii) a description of the extent of
18 the involvement of employers in such pro-
19 grams and activities;

20 “(viii) a description of the levels of
21 performance the eligible entity expects to
22 achieve with respect to the indicators of
23 performance for youth specified in section
24 136(b)(2)(A)(ii); and

1 “(ix) a detailed budget and a descrip-
 2 tion of the system of fiscal controls, and
 3 auditing and accountability procedures
 4 that will be used to ensure fiscal soundness
 5 for the programs and activities provided
 6 under this paragraph.

7 “(H) FACTORS FOR AWARD.—

8 “(i) IN GENERAL.—In awarding
 9 grants under this paragraph, a State shall
 10 consider—

11 “(I) the quality of the proposed
 12 programs and activities;

13 “(II) the goals to be achieved;

14 “(III) the likelihood of successful
 15 implementation;

16 “(IV) the extent to which the
 17 proposed programs and activities—

18 “(aa) are based on proven
 19 strategies or demonstrated re-
 20 sults; or

21 “(bb) will expand the edu-
 22 cation and skills training for eli-
 23 gible youth;

24 “(V) the extent of collaboration
 25 with the State and local workforce in-

1 vestment systems in carrying out the
2 proposed programs and activities;

3 “(VI) the extent of employer in-
4 volvement in the proposed programs
5 and activities;

6 “(VII) whether there are other
7 Federal and non-Federal funds avail-
8 able for similar activities to the pro-
9 posed programs and activities, and the
10 additional State, local, and private re-
11 sources that will be provided to carry
12 out the proposed programs and activi-
13 ties;

14 “(VIII) the quality of the pro-
15 posed programs and activities in meet-
16 ing the needs of the eligible youth to
17 be served; and

18 “(IX) the extent to which the
19 proposed programs and activities will
20 expand on the work ready and train-
21 ing services provided to individuals be-
22 tween 16 and 24 years of age pro-
23 vided under section 134.

24 “(ii) **EQUITABLE GEOGRAPHIC DIS-**
25 **TRIBUTION.**—In awarding grants under

1 this paragraph the State shall ensure an
2 equitable distribution of such grants across
3 geographically diverse areas.

4 “(I) USE OF FUNDS FOR JOB CORPS CEN-
5 TERS.—

6 “(i) IN GENERAL.—If the require-
7 ments described in clause (iii) are met, an
8 eligible entity may use a grant received
9 under this paragraph to operate a Job
10 Corps Center that was established under
11 subtitle C, as in effect on the day before
12 the enactment of the Workforce Invest-
13 ment Improvement Act of 2012, and that
14 is in existence on the day before the enact-
15 ment of such Act to—

16 “(I) provide work-based learning
17 throughout the enrollment of the en-
18 rollees of such Center; and

19 “(II) assist the enrollees in ob-
20 taining meaningful unsubsidized em-
21 ployment, participating in secondary
22 or postsecondary education programs,
23 enrolling in other suitable career
24 training programs, or satisfying

1 Armed Forces requirements, on com-
2 pletion of their enrollment.

3 “(ii) LIMITATION.—An eligible entity
4 may use not more than 10 percent of the
5 grant funds received under this paragraph
6 for construction and facilities improvement
7 of a Job Corps Center.

8 “(iii) REQUIREMENTS.—In order for
9 an eligible entity to operate a Job Corps
10 Center under clause (i), the following re-
11 quirements shall be met:

12 “(I) The State has submitted to
13 the Secretary, a written request for
14 the appropriate title and deed for
15 such Job Corps Center, and has been
16 granted such title and deed under
17 clause (iv)(I).

18 “(II) The State agency, or appro-
19 priate agency responsible for inspect-
20 ing public buildings and safeguarding
21 the health of disadvantaged students,
22 has conducted an in-person review of
23 the physical condition and health-re-
24 lated activities of the Job Corps Cen-
25 ter. Such review shall include a pass-

1 ing rate of occupancy under State and
2 local ordinances.

3 “(III) The State has dem-
4 onstrated, as part of the State plan in
5 section 112, that it has developed and
6 will enforce professional standards of
7 conduct.

8 “(iv) SECRETARIAL ACTIONS.—

9 “(I) IN GENERAL.—Upon receiv-
10 ing a written request from a State
11 under clause (iii)(I), the Secretary, in
12 coordination with the Administrator
13 of the General Services Administra-
14 tion, shall transfer the title and deed
15 for the appropriate Job Corps Center
16 to the State within 30 days. The Sec-
17 retary shall be prohibited from impos-
18 ing any requirement on a State in ex-
19 change for such title and deed.

20 “(II) TRANSITION.—After 365
21 calendar days after the date of enact-
22 ment of the Workforce Investment
23 Improvement Act of 2012, the Sec-
24 retary shall transfer all Job Corps
25 Centers with respect to which the Sec-

1 retary has not received a written re-
 2 quest under clause (iii)(I) to the Ad-
 3 ministrators of the General Services
 4 Administration for disposal of excess
 5 Federal real property.

6 “(6) STATEWIDE GRANTS FOR ADULTS WITH
 7 BARRIERS TO EMPLOYMENT.—

8 “(A) IN GENERAL.—Of the funds reserved
 9 as described in section 133(a)(4), the Governor
 10 of a State—

11 “(i) may reserve up to 5 percent to
 12 provide technical assistance to, and con-
 13 duct evaluations as described in section
 14 136(e), of the programs and activities car-
 15 ried out under this paragraph; and

16 “(ii) using the remainder, shall award
 17 grants on a competitive basis to eligible en-
 18 tities described in subparagraph (B) to
 19 carry out employment and training pro-
 20 grams authorized under this paragraph for
 21 individuals with barriers to employment
 22 that meet specific performance outcomes
 23 and criteria established by the Governor
 24 under subparagraph (G).

“(B) ELIGIBLE ENTITY DEFINED.—For purposes of this paragraph, the term ‘eligible entity’ means an entity that—

“(i) is a—

“(I) local board or a consortium of local boards;

“(II) nonprofit entity, for profit entity, or a consortium of nonprofit or for-profit entities; or

“(III) consortium of the entities described in subclauses (I) and (II);

“(ii) has a demonstrated record of placing individuals into unsubsidized employment and serving hard to serve individuals; and

“(iii) agrees to be reimbursed primarily on the basis of achievement of specified performance outcomes and criteria established under subparagraph (F).

“(C) GRANT PERIOD.—

“(i) IN GENERAL.—A grant under this paragraph shall be awarded for a period of 1 year.

“(ii) GRANT RENEWAL.—A Governor of a State may renew, for up to 4 addi-

1 tional 1-year periods, a grant awarded
2 under this paragraph.

3 “(D) ELIGIBLE PARTICIPANTS.—To be eli-
4 gible to participate in activities under this para-
5 graph, an individual shall be a low-income adult
6 or a member of a low-income family.

7 “(E) USE OF FUNDS.—An eligible entity
8 receiving a grant under this paragraph shall use
9 such funds for activities that are designed to
10 assist eligible participants in obtaining employ-
11 ment and acquiring the education and skills
12 necessary to succeed in the labor market.

13 “(F) APPLICATIONS.—To be eligible to re-
14 ceive a grant under this paragraph, an eligible
15 entity shall submit an application to a State at
16 such time, in such manner, and containing such
17 information as the State may require, includ-
18 ing—

19 “(i) a description of how the strate-
20 gies and activities will be aligned with the
21 State plan submitted under section 112
22 and the local plans submitted under sec-
23 tion 118 with respect to the areas of the
24 State that will be the focus of grant activi-
25 ties under this paragraph;

1 “(ii) a description of the educational
2 and skills training programs and activities
3 the eligible entities will provide to eligible
4 participants under this paragraph;

5 “(iii) how the eligible entity will col-
6 laborate with State and local workforce in-
7 vestment systems established under this
8 title in the provision of such programs and
9 activities;

10 “(iv) a description of the programs of
11 demonstrated effectiveness on which the
12 provision of such educational and skills
13 training programs and activities are based,
14 and a description of how such programs
15 and activities will improve the education
16 and skills training for eligible participants;

17 “(v) a description of the populations
18 to be served and the skill needs of those
19 populations, and the manner in which eligi-
20 ble participants will be recruited and se-
21 lected as participants;

22 “(vi) a description of the private and
23 public, and local and State resources that
24 will be leveraged, in addition to the grant
25 funds provided under this paragraph to

1 provide the programs and activities under
2 this paragraph, and how the entity will en-
3 sure the sustainability of such programs
4 and activities after grant funds are no
5 longer available;

6 “(vii) a description of the extent of
7 the involvement of employers in such pro-
8 grams and activities;

9 “(viii) a description of the levels of
10 performance the eligible entity expects to
11 achieve with respect to the indicators of
12 performance for all individuals specified in
13 section in 136(b)(2);

14 “(ix) a detailed budget and a descrip-
15 tion of the system of fiscal controls, and
16 auditing and accountability procedures
17 that will be used to ensure fiscal soundness
18 for the programs and activities provided
19 under this paragraph;

20 “(x) a description of the estimated
21 savings that would result from the im-
22 proved outcomes, including to other pro-
23 grams or units of government; and

24 “(xi) any other criteria the Governor
25 may require.

1 “(G) PERFORMANCE OUTCOMES AND CRI-
2 TERIA.—Not later than 6 months after the date
3 of the enactment of the Workforce Investment
4 Improvement Act of 2012, the Governor of the
5 State shall establish and publish specific per-
6 formance measures for the initial qualification
7 of eligible entities to receive a grant under this
8 section. At a minimum, to receive an award an
9 eligible entity shall—

10 “(i) identify a particular program
11 area and client population that is not
12 achieving optimal outcomes;

13 “(ii) provide evidence that the pro-
14 posed strategy would achieve better results;

15 “(iii) clearly articulate and quantify
16 the improved outcomes of such new ap-
17 proach;

18 “(iv) identify data that would be re-
19 quired to evaluate whether outcomes are
20 being achieved for a target population and
21 a comparison group;

22 “(v) identify estimated savings that
23 would result from the improved outcomes,
24 including to other programs or units of
25 government;

1 “(vi) demonstrate the capacity to col-
 2 lect required data, track outcomes, and
 3 validate those outcomes; and

4 “(vii) any other criteria the Governor
 5 may require.

6 “(7) LIMITATION.—Not more than 5 percent of
 7 the funds allotted under section 132(b) to a State
 8 and reserved as described in section 133(a)(1) may
 9 be used by the State for administrative activities
 10 carried out under this subsection.”;

11 (2) by amending subsection (b) to read as fol-
 12 lows:

13 “(b) LOCAL EMPLOYMENT AND TRAINING ACTIVI-
 14 TIES.—

15 “(1) IN GENERAL.—Funds allocated to a local
 16 area under section 133(b)(2)—

17 “(A) shall be used to carry out employ-
 18 ment and training activities described in section
 19 (c); and

20 “(B) may be used to carry out employment
 21 and training activities described in section (e).”.

22 (3) by striking subsection (c);

23 (4) by redesignating subsections (d) and (e), as
 24 subsections (c) and (d), respectively;

25 (5) in subsection (c) (as so redesignated)—

1 (A) by amending paragraph (1) to read as
 2 follows:

3 “(1) IN GENERAL.—Funds allocated to a local
 4 area under section 133(b)(2) shall be used—

5 “(A) to establish a one-stop delivery sys-
 6 tem as described in section 121(e);

7 “(B) to provide the work ready services de-
 8 scribed in paragraph (2) through the one-stop
 9 delivery system in accordance with such para-
 10 graph; and

11 “(C) to provide training services described
 12 in paragraph (4) in accordance with such para-
 13 graph;”;

14 (B) in paragraph (2)—

15 (i) in the heading, by striking “CORE
 16 SERVICES” and inserting “WORK READY
 17 SERVICES”;

18 (ii) by striking “core services” and in-
 19 serting “work ready services”;

20 (iii) by striking “who are adults or
 21 dislocated workers”;

22 (iv) in subparagraph (A), by inserting
 23 “and assistance in obtaining eligibility de-
 24 terminations under the other one-stop
 25 partner programs through such activities

1 as assisting in the submission of applica-
2 tions, the provision of information on the
3 results of such applications, the provision
4 of intake services and information, and,
5 where appropriate and consistent with the
6 authorizing statute of the one-stop partner
7 program, determinations of eligibility”
8 after “subtitle”;

9 (v) by amending subparagraph (D) to
10 read as follows:

11 “(D) labor exchange services, including—

12 “(i) job search and placement assist-
13 ance, and where appropriate, career coun-
14 seling;

15 “(ii) appropriate recruitment services
16 for employers, including small employers,
17 in the local area, which may include serv-
18 ices described in this subsection, including
19 information and referral to specialized
20 business services not traditionally offered
21 through the one-stop delivery system; and

22 “(iii) reemployment services provided
23 to unemployment claimants, including
24 claimants identified as in need of such
25 services under the worker profiling system

1 established under section 303(j) of the So-
2 cial Security Act (42 U.S.C. 503(j));”;

3 (vi) in subparagraph (E), by striking
4 “employment statistics” and inserting
5 “workforce and labor market”;

6 (vii) in subparagraph (F), by striking
7 “and eligible providers of youth activities
8 described in section 123,”;

9 (viii) in subparagraph (I), by inserting
10 “and the administration of the work test
11 for the unemployment compensation sys-
12 tem” after “compensation”;

13 (ix) by amending subparagraph (J) to
14 read as follows:

15 “(J) assistance in establishing eligibility
16 for programs of financial aid assistance for
17 training and education programs that are not
18 funded under this Act and are available in the
19 local area; and”;

20 (x) by redesignating subparagraph
21 (K) as subparagraph (U); and

22 (xi) by inserting the following new
23 subparagraphs after subparagraph (J):

24 “(K) the provision of information from of-
25 ficial publications of the Internal Revenue Serv-

1 ice regarding Federal tax credits available to in-
2 dividuals relating to education, job training and
3 employment;

4 “(L) comprehensive and specialized assess-
5 ments of the skill levels and service needs of
6 workers, which may include—

7 “(i) diagnostic testing and use of
8 other assessment tools; and

9 “(ii) in-depth interviewing and evalua-
10 tion to identify employment barriers and
11 appropriate employment goals;

12 “(M) development of an individual employ-
13 ment plan, to identify the employment goals,
14 appropriate achievement objectives, and appro-
15 priate combination of services for the participa-
16 tion to achieve the employment goals;

17 “(N) group counseling;

18 “(O) individual counseling and career plan-
19 ning;

20 “(P) case management;

21 “(Q) short-term pre-career services, includ-
22 ing development of learning skills, communica-
23 tions skills, interviewing skills, punctuality, per-
24 sonal maintenance skills, and professional con-

1 **TITLE V—AMENDMENTS TO THE**
 2 **REHABILITATION ACT OF 1973**

3 **SEC. 501. FINDINGS.**

4 Section 2(a) of the Rehabilitation Act of 1973 (29
 5 U.S.C. 701(a)) is amended—

6 (1) in paragraph (5), by striking “and” at the
 7 end;

8 (2) in paragraph (6), by striking the period and
 9 inserting “; and”; and

10 (3) by adding at the end the following:

11 “(7) there is a substantial need to improve and
 12 expand services for students with disabilities under
 13 this Act.”.

14 **SEC. 502. REHABILITATION SERVICES ADMINISTRATION.**

15 (a) REHABILITATION SERVICES ADMINISTRATION.—
 16 The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)
 17 is amended—

18 (1) in section 3(a) (29 U.S.C. 702(a))—

19 (A) by striking “Office of the Secretary”
 20 and inserting “Department of Education”;

21 (B) by striking “President by and with the
 22 advice and consent of the Senate” and inserting
 23 “Secretary”; and

24 (C) by striking “, and the Commissioner
 25 shall be the principal officer,”;

1 (2) by striking “Commissioner” each place it
2 appears (except in section 21) and inserting “Direc-
3 tor”;

4 (3) in the heading for subparagraph (B) of sec-
5 tion 100(d)(2), by striking “COMMISSIONER” and in-
6 serting “DIRECTOR”;

7 (4) in the heading for section 706, by striking
8 “**COMMISSIONER**” and inserting “**DIRECTOR**”;

9 (5) in the heading for paragraph (3) of section
10 723(a), by striking “COMMISSIONER” and inserting
11 “DIRECTOR”; and

12 (6) in section 21 (29 U.S.C. 718)—

13 (A) in subsection (b)(1)—

14 (i) by striking “Commissioner” the
15 first place it appears and inserting “Direc-
16 tor of the Rehabilitation Services Adminis-
17 tration”; and

18 (ii) by striking “(referred to in this
19 subsection as the ‘Director’)”;

20 (B) by striking “the Commissioner and the
21 Director” each place it appears and inserting
22 “both such Directors”; and

23 (C) by striking “The Commissioner and
24 the Director” and inserting “Both such Direc-
25 tors”.

1 (b) EFFECTIVE DATE; APPLICATION.—The amend-
 2 ments made by subsection (a) shall—

3 (1) take effect on the date of the enactment of
 4 this Act; and

5 (2) apply with respect to the appointments of
 6 Directors of the Rehabilitation Services Administra-
 7 tion made on or after the date of enactment of this
 8 Act, and the Directors so appointed.

9 **SEC. 503. DEFINITIONS.**

10 Section 7 of the Rehabilitation Act of 1973 (29
 11 U.S.C. 705) is amended—

12 (1) by redesignating paragraphs (35) through
 13 (39) as paragraphs (36) through (40), respectively;

14 (2) in subparagraph (A)(ii) of paragraph (36)
 15 (as redesignated by paragraph (1)), by striking
 16 “paragraph (36)(C)” and inserting “paragraph
 17 (37)(C)”; and

18 (3) by inserting after paragraph (34) the fol-
 19 lowing:

20 “(35)(A) The term ‘student with a disability’
 21 means an individual with a disability who—

22 “(i) is not younger than 16 and not
 23 older than 21;

1 “(ii) has been determined to be eligi-
 2 ble under section 102(a) for assistance
 3 under this title; and

4 “(iii)(I) is eligible for, and is receiv-
 5 ing, special education under part B of the
 6 Individuals with Disabilities Education Act
 7 (20 U.S.C. 1411 et seq.); or

8 “(II) is an individual with a disability,
 9 for purposes of section 504.

10 “(B) The term ‘students with disabilities’
 11 means more than 1 student with a disability.”.

12 **SEC. 504. STATE PLAN.**

13 Section 101(a) of the Rehabilitation Act of 1973 (29
 14 U.S.C. 721(a)) is amended—

15 (1) in paragraph (11)—

16 (A) in subparagraph (D)(i), by inserting
 17 before the semicolon the following: “, which
 18 may be provided using alternative means of
 19 meeting participation (such as video conferences
 20 and conference calls)”; and

21 (B) by adding at the end the following:

22 “(G) COORDINATION WITH ASSISTIVE
 23 TECHNOLOGY PROGRAMS.—The State plan shall
 24 include an assurance that the designated State
 25 unit and the lead agency responsible for car-

1 rying out duties under the Assistive Technology
2 Act of 1998 (29 U.S.C. 3001 et seq.) have de-
3 veloped working relationships and coordinate
4 their activities.”;

5 (2) in paragraph (15)—

6 (A) in subparagraph (A)—

7 (i) in clause (i)—

8 (I) in subclause (II), by striking

9 “and” at the end;

10 (II) in subclause (III), by adding

11 “and” at the end; and

12 (III) by adding at the end the

13 following:

14 “(IV) students with disabilities,

15 including their need for transition

16 services;”;

17 (ii) by redesignating clauses (ii) and

18 (iii) as clauses (iii) and (iv), respectively;

19 and

20 (iii) by inserting after clause (i) the

21 following:

22 “(ii) include an assessment of the

23 transition services provided under this Act,

24 and coordinated with transition services

25 under the Individuals with Disabilities

1 Education Act, as to those services meet-
2 ing the needs of individuals with disabil-
3 ities;” and

4 (B) in subparagraph (D)—

5 (i) by redesignating clauses (iii), (iv),
6 and (v) as clauses (iv), (v), and (vi), re-
7 spectively; and

8 (ii) by inserting after clause (ii) the
9 following:

10 “(iii) the methods to be used to im-
11 prove and expand vocational rehabilitation
12 services for students with disabilities, in-
13 cluding the coordination of services de-
14 signed to facilitate the transition of such
15 students from the receipt of educational
16 services in school to the receipt of voca-
17 tional rehabilitation services under this
18 title or to postsecondary education or em-
19 ployment;”;

20 (3) in paragraph (22)—

21 (A) by striking “carrying out part B of
22 title VI, including”; and

23 (B) by striking “that part to supplement
24 funds made available under part B of”;

1 (4) in paragraph (24)(A), by striking “part A
2 of title VI” and inserting “section 109A”; and

3 (5) by adding at the end the following:

4 “(25) COLLABORATION WITH INDUSTRY.—The
5 State plan shall describe how the designated State
6 agency will carry out the provisions of section 109A,
7 including—

8 “(A) the criteria such agency will use to
9 award grants under such section; and

10 “(B) how the activities carried out under
11 such grants will be coordinated with other serv-
12 ices provided under this title.

13 “(26) SERVICES FOR STUDENTS WITH DISABIL-
14 ITIES.—The State plan shall provide an assurance
15 satisfactory to the Secretary that the State—

16 “(A) has developed and implemented strat-
17 egies to address the needs identified in the as-
18 sessment described in paragraph (15), and
19 achieve the goals and priorities identified by the
20 State, to improve and expand vocational reha-
21 bilitation services for students with disabilities
22 on a statewide basis in accordance with para-
23 graph (15); and

24 “(B) from funds reserved under section
25 110A, shall carry out programs or activities de-

1 signed to improve and expand vocational reha-
2 bilitation services for students with disabilities
3 that—

4 “(i) facilitate the transition of stu-
5 dents with disabilities from the receipt of
6 educational services in school, to the re-
7 ceipt of vocational rehabilitation services
8 under this title, including, at a minimum,
9 those services specified in the interagency
10 agreement required in paragraph (11)(D);

11 “(ii) improve the achievement of post-
12 school goals of students with disabilities,
13 including improving the achievement
14 through participation (as appropriate when
15 career goals are discussed) in meetings re-
16 garding individualized education programs
17 developed under section 614 of the Individ-
18 uals with Disabilities Education Act (20
19 U.S.C. 1414);

20 “(iii) provide career guidance, career
21 exploration services, job search skills and
22 strategies, and technical assistance to stu-
23 dents with disabilities;

24 “(iv) support the provision of training
25 and technical assistance to State and local

educational agencies and designated State
 agency personnel responsible for the plan-
 ning and provision of services to students
 with disabilities; and

“(v) support outreach activities to stu-
 dents with disabilities who are eligible for,
 and need, services under this title.”.

SEC. 505. SCOPE OF SERVICES.

Section 103 of the Rehabilitation Act of 1973 (29
 U.S.C. 723) is amended—

(1) in subsection (a), by striking paragraph
 (15) and inserting the following:

“(15) transition services for students with dis-
 abilities, that facilitate the achievement of the em-
 ployment outcome identified in the individualized
 plan for employment, including services described in
 clauses (i) through (iii) of section 101(a)(26)(B);”;

(2) in subsection (b), by striking paragraph (6)
 and inserting the following:

“(6)(A)(i) Consultation and technical assistance
 services to assist State and local educational agen-
 cies in planning for the transition of students with
 disabilities from school to post-school activities, in-
 cluding employment.

1 “(ii) Training and technical assistance de-
2 scribed in section 101(a)(26)(B)(iv).

3 “(B) Services for groups of individuals with dis-
4 abilities who meet the requirements of clauses (i)
5 and (iii) of section 7(35)(A), including services de-
6 scribed in clauses (i), (ii), (iii), and (v) of section
7 101(a)(26)(B), to assist in the transition from
8 school to post-school activities.”; and

9 (3) in subsection (b) by inserting at the end,
10 the following:

11 “(7) The establishment, development, or im-
12 provement of assistive technology demonstration,
13 loan, reutilization, or financing programs in coordi-
14 nation with activities authorized under the Assistive
15 Technology Act of 1998 (29 U.S.C. 3001) to pro-
16 mote access to assistive technology for individuals
17 with disabilities and employers.”.

18 **SEC. 506. STANDARDS AND INDICATORS.**

19 Section 106(a) of the Rehabilitation Act of 1973 (29
20 U.S.C. 726(a)) is amended—

21 (1) by striking subsection (a) and inserting the
22 following:

23 “(a) STANDARDS AND INDICATORS.—The perform-
24 ance standards and indicators for the vocational rehabili-
25 tation program carried out under this title—

1 “(1) shall be subject to paragraphs (2)(A) and
 2 (3) of section 136(b) of the Workforce Investment
 3 Act of 1998; and

4 “(2) may, at a State’s discretion, include addi-
 5 tional indicators identified in the State plan sub-
 6 mitted under section 101.”; and

7 (2) in subsection (b)(2)(B), by striking clause
 8 (i) and inserting the following:

9 “(i) on a biannual basis, review the
 10 program improvement efforts of the State
 11 and, if the State has not improved its per-
 12 formance to acceptable levels, as deter-
 13 mined by the Director, direct the State to
 14 make revisions to the plan to improve per-
 15 formance; and”.

16 **SEC. 507. COLLABORATION WITH INDUSTRY.**

17 The Rehabilitation Act of 1973 is amended by insert-
 18 ing after section 109 (29 U.S.C. 729) the following:

19 **“SEC. 109A. COLLABORATION WITH INDUSTRY.**

20 “(a) **AUTHORITY.**—A State shall use not less than
 21 one-half of one percent of the payment the State receives
 22 under section 111 for a fiscal year to award grants to eligi-
 23 ble entities to create practical job and career readiness and
 24 training programs, and to provide job placements and ca-
 25 reer advancement.

1 “(b) APPLICATION.—To receive a grant under this
2 section, an eligible entity shall submit an application to
3 a designated State agency at such time, in such manner,
4 and containing such information as such agency shall re-
5 quire. Such application shall include, at a minimum—

6 “(1) a plan for evaluating the effectiveness of
7 the program;

8 “(2) a plan for collecting and reporting the
9 data and information described under subparagraphs
10 (A) through (C) of section 101(a)(10), as deter-
11 mined appropriate by the designated State agency;
12 and

13 “(3) a plan for providing for the non-Federal
14 share of the costs of the program.

15 “(c) ACTIVITIES.—An eligible entity receiving a grant
16 under this section shall use the grant funds to carry out
17 a program that provides one or more of the following:

18 “(1) Job development, job placement, and ca-
19 reer advancement services for individuals with dis-
20 abilities.

21 “(2) Training in realistic work settings in order
22 to prepare individuals with disabilities for employ-
23 ment and career advancement in the competitive
24 market.

1 “(3) Providing individuals with disabilities with
 2 such support services as may be required in order to
 3 maintain the employment and career advancement
 4 for which the individuals have received training.

5 “(d) AWARDS.—Grants under this section shall—

6 “(1) be awarded for a period not to exceed 5
 7 years; and

8 “(2) be awarded competitively.

9 “(e) ELIGIBLE ENTITY DEFINED.—For the purposes
 10 of this section, the term ‘eligible entity’ means a for-profit
 11 business, alone or in partnership with one or more of the
 12 following:

13 “(1) Community rehabilitation providers.

14 “(2) Indian tribes.

15 “(3) Tribal organizations.

16 “(f) FEDERAL SHARE.—The Federal share of a pro-
 17 gram under this section shall not exceed 80 percent of the
 18 costs of the program.

19 “(g) ELIGIBILITY FOR SERVICES.—An individual
 20 shall be eligible for services provided under a program
 21 under this section if the individual is determined under
 22 section 102(a)(1) to be eligible for assistance under this
 23 title.”.

1 **SEC. 508. RESERVATION FOR EXPANDED TRANSITION**
 2 **SERVICES.**

3 The Rehabilitation Act of 1973 is amended by insert-
 4 ing after section 110 (29 U.S.C. 730) the following:

5 **“SEC. 110A. RESERVATION FOR EXPANDED TRANSITION**
 6 **SERVICES.**

7 “Each State shall reserve not less than 10 percent
 8 of the funds allotted to the State under section 110(a)
 9 to carry out programs and activities under sections
 10 101(a)(26)(B) and 103(b)(6).”.

11 **SEC. 509. CLIENT ASSISTANCE PROGRAM.**

12 Section 112(e)(1) of the Rehabilitation Act of 1973
 13 (29 U.S.C. 732(e)(1)) is amended by redesignating sub-
 14 paragraph (D) as subparagraph (E) and inserting after
 15 subparagraph (C) the following:

16 “(D) The Secretary shall make grants to
 17 the protection and advocacy system serving the
 18 American Indian Consortium to provide services
 19 in accordance with this section. The amount of
 20 such grants shall be the same as provided to
 21 territories under this subsection.”.

22 **SEC. 510. TITLE III REPEALS.**

23 Title III of the Rehabilitation Act of 1973 (29 U.S.C.
 24 771 et seq.) is amended—

25 (1) in section 301(a)—

1 (A) in paragraph (2), by inserting “and”
 2 at the end;

3 (B) by striking paragraphs (3) and (4);
 4 and

5 (C) by redesignating paragraph (5) as
 6 paragraph (3);

7 (2) in section 302(g)—

8 (A) in the heading, by striking “**AND IN-**
 9 **SERVICE TRAINING**”; and

10 (B) by striking paragraph (3);

11 (3) by striking sections 304 and 305; and

12 (4) by redesignating section 306 as section 304.

13 **SEC. 511. REPEAL OF TITLE VI.**

14 The Rehabilitation Act of 1973 (29 U.S.C. 701 et
 15 seq.) is amended by repealing title VI.

16 **SEC. 512. CHAIRPERSON.**

17 Section 705(b)(5) of the Rehabilitation Act of 1973
 18 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

19 “(5) CHAIRPERSON.—The Council shall select a
 20 chairperson from among the voting membership of
 21 the Council.”.

22 **SEC. 513. AUTHORIZATIONS OF APPROPRIATIONS.**

23 The Rehabilitation Act of 1973 (29 U.S.C. 701 et
 24 seq.) is further amended—

LEGISLATIVE AGENDA ITEM DETAIL SHEET

BILL NUMBER/ISSUE: Senate Bill (SB) 1228 -small house skilled nursing facilities.

BILL SUMMARY: Sponsored by the author, this bill creates a new kind of nursing facility, a small house skilled nursing facility. Such homes can be licensed after January 1, 2014, look and feel like a typical home, and are limited to no more than 10 residents.

BACKGROUND AND DETAILS: In recent years, The Green House Project has arisen, which has rethought the philosophy of care, architecture, and organizational structure related to long-term care. Green House homes look like private homes or apartments in the community, with 6-12 residents (although this bill limits small house skill nursing facilities to 10) who are provided services (such as personal care, meal preparation, and light housekeeping) by staff trained in the Green House philosophy and are certified nurse assistants.

The author indicates that the current statutory and regulatory structure in California did not anticipate this innovative method of providing care and therefore this bill is necessary.

There are a host of requirements for the small house skilled nursing facilities. Many of them are technical in nature, but some of them are:

- Small house skilled nursing facilities must comply with all federal and state statutory and regulatory requirements, and if one cannot, the Department of Public Health or the Office of Statewide Health Planning and Development may waive one or more of these regulations if it does not jeopardize the health or safety of residents.
- Workers in the homes will be:
 - certified nursing assistant who provides personal care, socialization, meal preparation services, and housekeeping services and
 - trained for at least 120 hours in elements of the Green House philosophy.
- Meals must be cooked and prepared in the home and not prepared elsewhere and brought to the home.
- The small house skilled nursing facility must be homelike and not institutional. For example, the home:
 - must appear like homes or apartments in the community;
 - may not contain institutional features, such as nursing stations, medication carts, and room numbers;
 - must have single occupancy bedrooms and may only be shared at the request of a resident to accommodate a spouse, partner, friend, or family member; 133

- each bedroom must have a full, private, accessible bathroom;
- must be accessible to individuals with disabilities;
- must have a full kitchen usable by all residents;
- must have a dining room that can accommodate all residents and at least two staff;
- must have a living room to socialize;
- must have ample light and windows;
- must provide access to a secured outdoor space.

ANALYSIS/DISCUSSION: SB 1228 could create a new community living option for individuals with intellectual and developmental disabilities that more closely resembles a typical home environment with necessary support.

COUNCIL STRATEGIC PLAN OBJECTIVE: The Council will take a position on proposed state and federal legislation and proposed regulations that impact people with developmental disabilities, will communicate those positions to legislators and their staff, and will disseminate this information to all interested parties.

Individuals with developmental disabilities have access to affordable housing that provides control, choice and flexibility regarding where and with whom they live.

Affordable housing units are developed in local communities to expand housing options for individuals with developmental disabilities.

PRIOR COUNCIL ACTIVITY: Historically the Council has supported the development of community integrated housing particularly for individuals with special health care needs (i.e. SB 962 homes).

RECOMMENDATION(S): Support SB 1228.

ATTACHMENT(S): SB 1228 as introduced on 2/23/12, SB 1228 as amended on 5/1/12, the staff analysis from the Senate Committee on Health, and an article, "Senate Committee Approves New Type of Nursing Home". Please note Section 1323.5 in the bill is a new section.

PREPARED: Christofer Arroyo, May 10, 2012

AMENDED IN SENATE MAY 1, 2012

SENATE BILL

No. 1228

Introduced by Senator Alquist

February 23, 2012

An act to amend Section 1250 of, and to add Article 7.2 (commencing with Section 1323.5) to Chapter 2 of Division 2 of, the Health and Safety Code, relating to small house skilled nursing facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1228, as amended, Alquist. Small house skilled nursing facilities.

Existing law provides for the licensure and regulation of health facilities, including skilled nursing facilities, as defined, by the State Department of Public Health. Violation of these provisions is a crime.

This bill, commencing January 1, 2014, would create a new health facility licensing category for a small house skilled nursing facility, defined by the bill as a skilled nursing facility that is either a stand-alone home or that consists of more than one home for the purposes of providing skilled nursing care in a homelike, noninstitutional setting. The bill would require that these facilities comply with applicable state law governing skilled nursing facilities, except as specified. The bill would require the department to review license applications and render a decision within 6 months of receipt. The bill would require the department and the Office of Statewide Health Planning and Development to consult with ~~a specified entity~~ *entities* on various aspects of small house skilled nursing facilities. The bill would require the department to adopt regulations implementing these provisions.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1250 of the Health and Safety Code is
2 amended to read:

3 1250. As used in this chapter, “health facility” means any
4 facility, place, or building that is organized, maintained, and
5 operated for the diagnosis, care, prevention, and treatment of
6 human illness, physical or mental, including convalescence and
7 rehabilitation and including care during and after pregnancy, or
8 for any one or more of these purposes, for one or more persons,
9 to which the persons are admitted for a 24-hour stay or longer, and
10 includes the following types:

11 (a) “General acute care hospital” means a health facility having
12 a duly constituted governing body with overall administrative and
13 professional responsibility and an organized medical staff that
14 provides 24-hour inpatient care, including the following basic
15 services: medical, nursing, surgical, anesthesia, laboratory,
16 radiology, pharmacy, and dietary services. A general acute care
17 hospital may include more than one physical plant maintained and
18 operated on separate premises as provided in Section 1250.8. A
19 general acute care hospital that exclusively provides acute medical
20 rehabilitation center services, including at least physical therapy,
21 occupational therapy, and speech therapy, may provide for the
22 required surgical and anesthesia services through a contract with
23 another acute care hospital. In addition, a general acute care
24 hospital that, on July 1, 1983, provided required surgical and
25 anesthesia services through a contract or agreement with another
26 acute care hospital may continue to provide these surgical and
27 anesthesia services through a contract or agreement with an acute
28 care hospital. The general acute care hospital operated by the State
29 Department of Developmental Services at Agnews Developmental
30 Center may, until June 30, 2007, provide surgery and anesthesia

1 services through a contract or agreement with another acute care
2 hospital. Notwithstanding the requirements of this subdivision, a
3 general acute care hospital operated by the Department of
4 Corrections and Rehabilitation or the Department of Veterans
5 Affairs may provide surgery and anesthesia services during normal
6 weekday working hours, and not provide these services during
7 other hours of the weekday or on weekends or holidays, if the
8 general acute care hospital otherwise meets the requirements of
9 this section.

10 A “general acute care hospital” includes a “rural general acute
11 care hospital.” However, a “rural general acute care hospital” shall
12 not be required by the department to provide surgery and anesthesia
13 services. A “rural general acute care hospital” shall meet either of
14 the following conditions:

15 (1) The hospital meets criteria for designation within peer group
16 six or eight, as defined in the report entitled Hospital Peer Grouping
17 for Efficiency Comparison, dated December 20, 1982.

18 (2) The hospital meets the criteria for designation within peer
19 group five or seven, as defined in the report entitled Hospital Peer
20 Grouping for Efficiency Comparison, dated December 20, 1982,
21 and has no more than 76 acute care beds and is located in a census
22 dwelling place of 15,000 or less population according to the 1980
23 federal census.

24 (b) “Acute psychiatric hospital” means a health facility having
25 a duly constituted governing body with overall administrative and
26 professional responsibility and an organized medical staff that
27 provides 24-hour inpatient care for mentally disordered,
28 incompetent, or other patients referred to in Division 5
29 (commencing with Section 5000) or Division 6 (commencing with
30 Section 6000) of the Welfare and Institutions Code, including the
31 following basic services: medical, nursing, rehabilitative,
32 pharmacy, and dietary services.

33 (c) (1) “Skilled nursing facility” means a health facility that
34 provides skilled nursing care and supportive care to patients whose
35 primary need is for availability of skilled nursing care on an
36 extended basis.

37 (2) “Skilled nursing facility” includes a “small house skilled
38 nursing facility (SHSNF),” as defined in Section 1323.5.

39 (d) “Intermediate care facility” means a health facility that
40 provides inpatient care to ambulatory or nonambulatory patients

1 who have recurring need for skilled nursing supervision and need
2 supportive care, but who do not require availability of continuous
3 skilled nursing care.

4 (e) “Intermediate care facility/developmentally disabled
5 habilitative” means a facility with a capacity of 4 to 15 beds that
6 provides 24-hour personal care, habilitation, developmental, and
7 supportive health services to 15 or fewer persons with
8 developmental disabilities who have intermittent recurring needs
9 for nursing services, but have been certified by a physician and
10 surgeon as not requiring availability of continuous skilled nursing
11 care.

12 (f) “Special hospital” means a health facility having a duly
13 constituted governing body with overall administrative and
14 professional responsibility and an organized medical or dental staff
15 that provides inpatient or outpatient care in dentistry or maternity.

16 (g) “Intermediate care facility/developmentally disabled” means
17 a facility that provides 24-hour personal care, habilitation,
18 developmental, and supportive health services to persons with
19 developmental disabilities whose primary need is for
20 developmental services and who have a recurring but intermittent
21 need for skilled nursing services.

22 (h) “Intermediate care facility/developmentally
23 disabled-nursing” means a facility with a capacity of 4 to 15 beds
24 that provides 24-hour personal care, developmental services, and
25 nursing supervision for persons with developmental disabilities
26 who have intermittent recurring needs for skilled nursing care but
27 have been certified by a physician and surgeon as not requiring
28 continuous skilled nursing care. The facility shall serve medically
29 fragile persons with developmental disabilities or who demonstrate
30 significant developmental delay that may lead to a developmental
31 disability if not treated.

32 (i) (1) “Congregate living health facility” means a residential
33 home with a capacity, except as provided in paragraph (4), of no
34 more than 12 beds, that provides inpatient care, including the
35 following basic services: medical supervision, 24-hour skilled
36 nursing and supportive care, pharmacy, dietary, social, recreational,
37 and at least one type of service specified in paragraph (2). The
38 primary need of congregate living health facility residents shall
39 be for availability of skilled nursing care on a recurring,
40 intermittent, extended, or continuous basis. This care is generally

1 less intense than that provided in general acute care hospitals but
2 more intense than that provided in skilled nursing facilities.

3 (2) Congregate living health facilities shall provide one of the
4 following services:

5 (A) Services for persons who are mentally alert, persons with
6 physical disabilities, who may be ventilator dependent.

7 (B) Services for persons who have a diagnosis of terminal
8 illness, a diagnosis of a life-threatening illness, or both. Terminal
9 illness means the individual has a life expectancy of six months
10 or less as stated in writing by his or her attending physician and
11 surgeon. A “life-threatening illness” means the individual has an
12 illness that can lead to a possibility of a termination of life within
13 five years or less as stated in writing by his or her attending
14 physician and surgeon.

15 (C) Services for persons who are catastrophically and severely
16 disabled. A person who is catastrophically and severely disabled
17 means a person whose origin of disability was acquired through
18 trauma or nondegenerative neurologic illness, for whom it has
19 been determined that active rehabilitation would be beneficial and
20 to whom these services are being provided. Services offered by a
21 congregate living health facility to a person who is catastrophically
22 disabled shall include, but not be limited to, speech, physical, and
23 occupational therapy.

24 (3) A congregate living health facility license shall specify which
25 of the types of persons described in paragraph (2) to whom a
26 facility is licensed to provide services.

27 (4) (A) A facility operated by a city and county for the purposes
28 of delivering services under this section may have a capacity of
29 59 beds.

30 (B) A congregate living health facility not operated by a city
31 and county servicing persons who are terminally ill, persons who
32 have been diagnosed with a life-threatening illness, or both, that
33 is located in a county with a population of 500,000 or more persons,
34 or located in a county of the 16th class pursuant to Section 28020
35 of the Government Code, may have not more than 25 beds for the
36 purpose of serving persons who are terminally ill.

37 (C) A congregate living health facility not operated by a city
38 and county serving persons who are catastrophically and severely
39 disabled, as defined in subparagraph (C) of paragraph (2) that is
40 located in a county of 500,000 or more persons may have not more

1 than 12 beds for the purpose of serving persons who are
2 catastrophically and severely disabled.

3 (5) A congregate living health facility shall have a
4 noninstitutional, homelike environment.

5 (j) (1) "Correctional treatment center" means a health facility
6 operated by the Department of Corrections and Rehabilitation, the
7 Department of Corrections and Rehabilitation, Division of Juvenile
8 Facilities, or a county, city, or city and county law enforcement
9 agency that, as determined by the state department, provides
10 inpatient health services to that portion of the inmate population
11 who do not require a general acute care level of basic services.
12 This definition shall not apply to those areas of a law enforcement
13 facility that houses inmates or wards that may be receiving
14 outpatient services and are housed separately for reasons of
15 improved access to health care, security, and protection. The health
16 services provided by a correctional treatment center shall include,
17 but are not limited to, all of the following basic services: physician
18 and surgeon, psychiatrist, psychologist, nursing, pharmacy, and
19 dietary. A correctional treatment center may provide the following
20 services: laboratory, radiology, perinatal, and any other services
21 approved by the state department.

22 (2) Outpatient surgical care with anesthesia may be provided,
23 if the correctional treatment center meets the same requirements
24 as a surgical clinic licensed pursuant to Section 1204, with the
25 exception of the requirement that patients remain less than 24
26 hours.

27 (3) Correctional treatment centers shall maintain written service
28 agreements with general acute care hospitals to provide for those
29 inmate physical health needs that cannot be met by the correctional
30 treatment center.

31 (4) Physician and surgeon services shall be readily available in
32 a correctional treatment center on a 24-hour basis.

33 (5) It is not the intent of the Legislature to have a correctional
34 treatment center supplant the general acute care hospitals at the
35 California Medical Facility, the California Men's Colony, and the
36 California Institution for Men. This subdivision shall not be
37 construed to prohibit the Department of Corrections and
38 Rehabilitation from obtaining a correctional treatment center
39 license at these sites.

(k) "Nursing facility" means a health facility licensed pursuant to this chapter that is certified to participate as a provider of care either as a skilled nursing facility in the federal Medicare Program under Title XVIII of the federal Social Security Act (42 U.S.C. Sec. 1395 *et seq.*) or as a nursing facility in the federal Medicaid Program under Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396 *et seq.*), or as both.

(l) Regulations defining a correctional treatment center described in subdivision (j) that is operated by a county, city, or city and county, the Department of Corrections and Rehabilitation, or the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall not become effective prior to, or if effective, shall be inoperative until January 1, 1996, and until that time these correctional facilities are exempt from any licensing requirements.

(m) "Intermediate care facility/developmentally disabled-continuous nursing (ICF/DD-CN)" means a homelike facility with a capacity of four to eight, inclusive, beds that provides 24-hour personal care, developmental services, and nursing supervision for persons with developmental disabilities who have continuous needs for skilled nursing care and have been certified by a physician and surgeon as warranting continuous skilled nursing care. The facility shall serve medically fragile persons who have developmental disabilities or demonstrate significant developmental delay that may lead to a developmental disability if not treated. ICF/DD-CN facilities shall be subject to licensure under this chapter upon adoption of licensing regulations in accordance with Section 1275.3. A facility providing continuous skilled nursing services to persons with developmental disabilities pursuant to Section 14132.20 or 14495.10 of the Welfare and Institutions Code shall apply for licensure under this subdivision within 90 days after the regulations become effective, and may continue to operate pursuant to those sections until its licensure application is either approved or denied.

SEC. 2. Article 7.2 (commencing with Section 1323.5) is added to Chapter 2 of Division 2 of the Health and Safety Code, to read:

Article 7.2. Small House Skilled Nursing Facilities

1323.5. (a) For purposes of this article, the following definitions apply:

1 (1) “Home” means an apartment, home, or other similar unit
2 that serves 10 or fewer residents.

3 (2) “Small house skilled nursing facility (SHSNF)” or “facility”
4 means a skilled nursing facility that is either a stand-alone home
5 or that consists of more than one home, licensed pursuant to this
6 article, for the purposes of providing skilled nursing care in a
7 homelike, noninstitutional setting.

8 (3) “Versatile worker” means a certified nursing assistant who
9 provides personal care, socialization, meal preparation services,
10 and housekeeping services.

11 (b) Commencing January 1, 2014, a facility may be licensed by
12 the department pursuant to this article if the facility meets all of
13 the following requirements:

14 (1) The facility shall be certified to participate as a provider of
15 care either as a skilled nursing facility in the federal Medicare
16 Program under Title XVIII of the federal Social Security Act (42
17 U.S.C. Sec. 1395 et seq.) or as a nursing facility in the federal
18 Medicaid Program under Title XIX of the federal Social Security
19 Act (42 U.S.C. Sec. 1396 et seq.), or as both.

20 (2) The facility shall comply with all state laws and regulations
21 that govern skilled nursing facilities, ~~except to the extent that those~~
22 ~~laws and regulations are inconsistent with the provisions of this~~
23 ~~article. The provisions of this article shall supersede any conflicting~~
24 ~~state law or regulation.~~ *as provided in this paragraph. If regulations*
25 *are in conflict with any provision of this article, the department*
26 *or the Office of Statewide Health Planning and Development may*
27 *waive one or more of these regulations in order to permit these*
28 *facilities to implement the provision and meet licensure*
29 *requirements, if the department or the office determines that doing*
30 *so will not jeopardize the health and safety of a facility’s residents.*
31 *In making this determination, the department or office shall*
32 *consider whether the practice contained in the provision has been*
33 *demonstrated safely in other states, and shall also consider*
34 *peer-reviewed research.*

35 (3) To the extent permitted under federal law, the facility shall
36 provide meals cooked on the premises of each home, and not
37 prepared in a central kitchen and transported to the home.

38 (4) To the extent permitted under federal law, the facility shall
39 utilize versatile workers for purposes of resident care.

1 (5) The facility shall meet all federal and state direct care
2 staffing requirements for skilled nursing facilities, or no less than
3 four hours per resident per day, whichever is greater. All direct
4 care staff shall be onsite, awake, and available within each home
5 at all times.

6 (6) The facility shall provide for consistent staff assignments
7 and self-directed work teams of direct care staff supervised by a
8 leadership team member who is not acting as a nurse or nursing
9 supervisor in the home.

10 (7) (A) The facility shall provide training for all staff involved
11 in the operation of the home for not less than 120 hours for each
12 versatile worker and not less than 60 hours for each leadership and
13 clinical team member, to be completed prior to initial operation
14 of the home, concerning the philosophy, operations, and skills
15 required to implement and maintain self-directed care,
16 self-managed work teams, a noninstitutional approach to long-term
17 care, safety and emergency skills, food handling and safety, and
18 other elements necessary for the successful operation of the home.

19 (B) Replacement staff shall undergo the training described in
20 subparagraph (A) within six weeks of commencing employment
21 with the facility.

22 (C) Any staff members who are employed on a short-term,
23 temporary basis due to permanent staff illness or unexpected
24 absence are exempt from the training requirements specified in
25 subparagraph (A).

26 (8) (A) To the extent permitted under federal law, the facility
27 shall ensure that the percentage of residents in each facility who
28 are short-stay rehabilitation residents does not exceed 20 percent
29 at any time, except that a long-term resident returning to a facility
30 after a hospital stay who is receiving rehabilitation services for
31 which payment is made under the Medicare Program under Title
32 XVIII of the federal Social Security Act (42 U.S.C. Sec. 1395 et
33 seq.), shall not be counted toward this limitation.

34 (B) Subparagraph (A) does not apply to a facility that is licensed
35 pursuant to this article as a facility that solely provides
36 rehabilitation services.

37 (9) To the extent permitted under federal law, each home shall
38 consist of a homelike, rather than institutional, environment,
39 including the following characteristics:

1 (A) The home shall be accessible to disabled persons, and shall
2 be designed as a house or apartment that is similar to housing
3 available within the surrounding community, that includes shared
4 areas that would only be commonly shared in a private home or
5 apartment.

6 (B) The home shall not, to the extent practicable, contain
7 institutional features. These include, but are not limited to, nursing
8 stations, medication carts, room numbers, and wall-mounted
9 licenses or certificates that could appropriately be accessed through
10 other means.

11 (C) The home shall include private, single-occupancy bedrooms
12 that are shared only at the request of a resident to accommodate a
13 spouse, partner, family member, or friend, and that contain a full
14 private and accessible bathroom.

15 (D) The home shall contain a living area where residents and
16 staff may socialize, dine, and prepare food together that provides,
17 at a minimum, a living room seating area, a dining area large
18 enough to accommodate all residents and at least two staff
19 members, and a full kitchen that may be utilized by residents.

20 (E) The home shall contain ample natural light with window
21 areas, not including skylights, being a minimum of 10 percent of
22 the area of each room.

23 (F) The home shall have built-in safety features to allow all
24 areas of the facility to be accessible to residents during the majority
25 of the day and night.

26 (G) The home shall provide access to secured outdoor space.

27 (c) Within two months of receipt of a license application, the
28 department shall notify the applicant of any information necessary
29 to process the application. The department shall review each
30 application and render a decision within six months of receipt of
31 the application.

32 ~~(d) Using resources available as of January 1, 2013, the~~ The
33 department and the Office of Statewide Health Planning and
34 Development shall consult with ~~NCB Capital Impact providers,~~
35 *employee organizations, consumer advocates, and other interested*
36 *stakeholders, including groups with demonstrated experience in*
37 *small house skilled nursing facility operations*, on the physical,
38 operational, and other aspects of small house skilled nursing
39 facilities.

1 (e) The department shall adopt regulations to implement this
2 section.
3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

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Thursday, April 26, 2012

Senate Committee Approves New Type of Nursing Home

by David Gorn

A new idea elbowed its way into the familiar pile of health care legislation in the Senate Committee on Health yesterday. A nursing home model -- the "Green House Project" -- bucks the cold, institutional feel of many long-term care facilities.

"SB 1228 is a transformative bill that will eliminate red tape and save money. It is a revolutionary model of care," Senate member Elaine Alquist (D-San Jose) said, presenting her bill to the committee yesterday.

"It puts the 'home' back into nursing home," Alquist said.

The idea is to have a small facility laid out like a regular home, with living areas such as a dining room and kitchen, as well as a private room and bathroom for each patient. The problem is, Alquist said, California's regulatory framework doesn't allow the concept.

"The current statutory framework in California is [based on] the old model of care," Alquist said, "for traditional, institutional nursing homes."

David Pierce of Mt. San Antonio Gardens, a continuing care center in Pomona, said his organization has been pursuing approval to create a Green House home for years.

"We have actively sought approval to build Green House homes," Pierce said. "We have educated, discussed and negotiated with agencies since 2008. Our approval process has been slow-paced and frustrating. And we do not have final approval to date."

"I'm glad to move this bill," Senate member Lois Wolk (D-Davis) said. "It is an excellent idea."

"We've been moving toward this goal of having more home-like care in people's elder years," Alquist said. "I think we need to get going in this area."

The **bill** had no organized opposition at the hearing, and passed on a 6-3 vote. It now heads to Appropriations.

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This bill:

1. Adds SHSNFs, as defined, to the SNF category of facilities licensed by DPH, and permits an SHSNF to be licensed by DPH beginning on January 1, 2014, if the SHSNF meets specified requirements.
2. Defines "SHSNF" as a SNF that is either a stand-alone home or that consists of more than one home, licensed pursuant to the provisions of this bill, for the purposes of providing skilled nursing care in a home-like, noninstitutional setting.
3. Defines "home" for purposes of a SHSNF as an apartment, home, or other similar unit that serves 10 or fewer residents.
4. Defines "versatile worker," for purposes of SHSNF licensing requirements, as a certified nursing assistant who provides personal care, socialization, meal preparation services, and housekeeping services. Requires the SHSNF, to the extent permitted under federal law, to utilize versatile workers for purposes of resident care.
5. Requires the SHSNF to be certified to participate as a provider of care either as a SNF under the federal Medicare Program or as a nursing facility under the federal Medicaid Program.
6. Requires the SHSNF to comply with all state laws and regulations that govern SNFs, except to the extent that those laws and regulations are inconsistent with the provisions of this bill. Specifies that the provisions of this bill supersede any conflicting state law or regulation.
7. Requires the SHSNF, to the extent permitted under federal law, to provide meals cooked on the premises of each home, and not prepared in a central kitchen and transported to the home.
8. Requires the SHSNF to meet all federal and state direct-care

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staffing requirements for SNFs, or no less than four hours per resident per day, whichever is greater. Requires all direct care staff to be onsite, awake, and available within each home at all times.

9. Requires the SHSNF to provide for consistent staff assignments and self-directed work teams of direct care staff supervised by a leadership team member who is not acting as a nurse or nursing supervisor in the home.
10. Requires the SHSNF to provide training for all staff for not less than 120 hours for each versatile worker and not less than 60 hours for each leadership and clinical team member, to be completed prior to initial operation of the home, concerning the philosophy, operations, and skills required to implement and maintain self-directed care, self-managed work teams, and a noninstitutional approach to long-term care, among other elements. Requires replacement staff to undergo the training within six weeks of employment, and exempts staff employed on a short-term, temporary basis.
11. Requires the SHSNF, to the extent permitted under federal law, to ensure that the percentage of residents in each facility who are short-stay rehabilitation residents does not

exceed 20 percent at any time. Exempts long-term residents returning to a facility after a hospital stay who are receiving rehabilitation services under the Medicare Program from counting toward this limitation, and specifies that this limitation does not apply to a SHSNF that is licensed solely to provide rehabilitation services.

- 12.Requires the SHSNF, to the extent permitted under federal law, to consist of a home-like, rather than institutional, environment, including having the following characteristics:
- a. The home is accessible to disabled persons, and is designed as a house or apartment that is similar to housing available in the surrounding community, and that includes shared areas that would only be commonly shared in a private home or apartment;
 - b. The home does not, to the extent practicable, contain institutional features, such as nursing stations, medication carts, room numbers, and wall-mounted licenses



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or certificates;

- c. The home includes private, single-occupancy bedrooms that are shared only at the request of a resident to accommodate a spouse, partner, family member, or friend, and that contain a full private and accessible bathroom;
 - d. The home contains a living area where residents and staff socialize, dine, and prepare food together that provides, at a minimum, a living room seating area, a dining area large enough to accommodate all residents and at least two staff members, and a full kitchen that may be utilized by residents;
 - e. The home contains ample natural light with window areas, not including skylights, being a minimum of 10 percent of the area of each room;
 - f. The home has built-in safety features to allow areas of the facility to be accessible to residents during the majority of the day and night; and
 - g. The home provides access to secured outdoor space.
- 13.Requires DPH, within two months of receipt of a license application, to notify the applicant of any information necessary to process the application, and requires DPH to review each application and render a decision within six months.
- 14.Requires DPH and OSHPD, using resources available as of January 1, 2013, to consult with NCB Capital Impact (NCB) on the physical, operational, and other aspects of SHSNFs.
- 15.Requires DPH to adopt regulations to implement this bill.

FISCAL EFFECT : This bill has not been analyzed by a fiscal committee.

COMMENTS :

- 1.Author's statement. According to the author, SHSNFs implementing the core practices outlined in this bill are an important development in long-term care options that many consumers, family, and staff prefer to traditional settings. The author states that they also deliver better clinical outcomes, more direct-care time, and greater resident

engagement at the same operating cost as traditional nursing homes. The author asserts that this deep culture change model of small house nursing homes is proliferating in many states and meets all federal nursing home certification requirements. Unfortunately, these homes are difficult to develop in

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California under current state requirements, and California's current statutory and regulatory framework did not anticipate this significant innovation.

According to the author, SHSNFs following the practices outlined in this bill currently require multiple agency interpretations and waivers to move forward in California. These interpretations and waivers add a great deal of time and expense to implementation - both for the provider organizations and the state agencies involved. This additional time and expense discourages their development and deprives California residents of this important option.

The author states that this bill would create a new health facility licensing category to assist the development of SHSNFs implementing the core practices that research has shown to reliably deliver improved satisfaction, quality and cost outcomes.

2.The Green House concept. This bill is sponsored by NCB, which has established The Green House Project, funded by the Robert Wood Johnson Foundation, to help spur replication of The Green House concept. NCB describes The Green House concept as an innovative model for residential long-term care that involves a total rethinking of the philosophy of care, architecture, and organizational structure normally associated with long-term care.

According to NCB, a Green House home is an independent, self-contained home for six to 12 people (though this bill limits the number of beds to 10), designed to look like a private home or apartment in the surrounding community. NCB states that Green House homes are typically licensed as SNFs and meet all applicable federal and state regulatory requirements. Each home is staffed by a team of universal workers, who have core training as Certified Nurse Assistants (CNA), plus extensive training in The Green House philosophy, the self-managed work team structure of The Green House home, culinary skills, and household management. These CNAs provide personal care, meal preparation, and light housekeeping and laundry, among other duties.

According to the author, Green House homes are currently operating in 21 states. The author states that one California nursing home provider has been working for three years to

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implement the Green House model, but the provider has experienced significant delays and added costs because the

Green House model does not fit well with California's current law.

3.Support. This bill is sponsored by NCB Capital Impact (NCB), which states that this bill will allow Californians access to the proven benefits of SHSNFs following Dr. William Thomas' Green House model. NCB states that current California nursing home regulations were written for institutional care approaches, which are not considered to be best practice today. While California regulations have been incrementally updated over the years, NCB states that their institutional origins still pervade SNF requirements and impede best practices of small home operations and environments.

Mt. San Antonio Gardens (Mt.SAG) also supports this bill, and states that after operating an SNF in California for more than fifty years, in recent years it concluded that a patient-centered de-institutionalized approach to skilled nursing is a vastly superior way to care for our most frail residents. Mt.SAG states that after much investigation, it chose to develop two Green Houses on its existing campus because it had been extensively tested and proven to be effective. Mt.SAG states that it has actively pursued approval to build and operate Green Houses since 2008, meeting and negotiating with numerous representatives from several departments at the local and state level, but it has struggled to obtain approval. Every proposed modification or alternative suggested has resulted in multiple meetings, countless clarifications, and several revisions. While Mt.SAG states that it is close, it still does not have final approval. Mt.SAG also points out that others will not benefit from their intense effort because much of its approval will be based on program flexibility and hence, will be non-transferable.

The California Commission on Aging is also in support, stating that The Green House model of long-term care has set the standard across the nation for small, person-centered nursing home care. This bill opens the door for expanding this innovative model in California.

4.Support with amendments. Aging Services of California (Aging Services) writes that while it appreciates that the SHSNF concept is being brought to the attention of the Legislature, it states that this bill, as introduced, is counter-productive

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to advancing the SHSNF concept. Many other organizations have demonstrated that the commitment to the "artifacts" of the small house concept can be replicated in a variety of ways. Aging Services also states that this bill requires SHSNFs to be Medicare/Medicaid certified in order to be licensed, but that under federal law, Medicare/Medicaid certification occurs after a facility is licensed by the state.

Aging Services states that this bill fails to recognize the progress made in California in addressing SHSNF issues. Aging Services points the California Culture Change Coalition that has been operating since 2006, composed of consumers, providers, advocates, and personnel from DPH and OSHPD. Additionally, Aging Services states that it joined forces in 2005 with the California Association of Health Facilities to form the Care Delivery and Design Improvement Committee to systematically review state rules and regulations affecting

Finally, Aging Services states that it appreciates good faith efforts made by OSHPD and DPH to address issues slowing down the development of SHSNFs and that this bill demeans those efforts and would limit California to only one SHSNF model. While Aging Services states that the Green House is a good model, one size does not fit all, and other good models are available.

a. Preemption language too broad? This bill requires the SHSNF to comply with all state laws and regulations that govern SNFs, except to the extent that those laws and regulations are inconsistent with the provisions of this bill. This bill goes on to specify that the provisions of this bill supersede any conflicting state law or regulation.

license, be conspicuously posted in a prominent location accessible to the public. This bill, on the other hand, requires SHSNFs, to the extent practicable and permissible by federal law, to have certain noninstitutional characteristics, including not containing nursing stations or wall-mounted licenses.

According to the sponsor, one example of the conflict is the food service approach. NCB states that current regulations do not support preparing and cooking food in open kitchens in the homes with assistance from the residents (if they desire). NCB states that cooking the food in the house is a key practice in small homes committed to full person-directed care, as it allows flexibility in schedules to meet personal preferences.

However, it is unclear where there might be other conflicts between this bill and the various requirements for SNFs, such as the building code and seismic safety requirements for health facilities. Because this bill states that the provisions of this bill "supersede any conflicting state law or regulation," the Committee should consider whether this broad exemption is appropriate.

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Rather than direct state agencies to consult with a particular organization, it may be more appropriate to simply require DPH and OSHPD to work with providers, employee organizations, consumer advocates and other interested stakeholders.

- b. New household model SNF regulations adopted by OSHPD. Last year, OSHPD adopted new household model SNF regulations that will become effective on July 1, 2012. According to OSHPD, these regulations were promulgated by OSHPD in response to the "culture change movement." OSHPD developed the building standards in conjunction with a

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committee of stakeholders and proponents of culture change with the assistance of the Florida Agency for Health Care Administration (OSHPD's equivalent in Florida). OSHPD based the new building regulations on the residential household model standards proposed for use in Florida. These household model regulations provide for a cluster/household resident unit, which is designed around resident support and living areas with a maximum of 20 patients per cluster/household unit, which is permitted to be grouped into distinct parts or neighborhoods to a maximum of 60 patients. These regulations go on to specify, in detail, requirements for resident rooms, resident support areas, areas for medicine preparation, etc.

In an ongoing effort to encourage use of the newly adopted standards, OSHPD is hosting meetings with a stakeholder group of skilled nursing providers, architects and culture change proponents.

SUPPORT AND OPPOSITION :

Support: NCB Capital Impact (sponsor)
California Commission on Aging
Mt. San Antonio Gardens

Oppose: None received.

-- END --

LEGISLATIVE AGENDA ITEM DETAIL SHEET

BILL NUMBER/ISSUE: SB 1267– Genetic Information Privacy Act

BILL SUMMARY: Sponsored by the author, this bill would establish the Genetic Information Privacy Act, which would provide that an individual's genetic information, as defined, is protected by the right of privacy and may not be released or used without express, signed consent (except in specific situations.)

BACKGROUND: Genetic testing is currently utilized to test for genetic disorders, pre-dispositions to certain diseases and disorders, and DNA testing. Existing law prohibits discrimination (genetic testing added to Unruh Civil Rights Acts and Fair Employment and Housing protections and Genetic Information and Non-Discrimination Act.)

However, secretive collection of genetic materials (DNA samples) and the future use of that material for other reasons are not specifically governed under privacy laws.

ANALYSIS/DISCUSSION: This bill would provide that genetic information is protected by the constitutional right of privacy and would specify that genetic information shall not be obtained, analyzed, retained or disclosed without the written authorization of the individual to whom the information pertains. In addition, the individual may designate for what purpose the material will be used, and when the purpose is complete, the material will be destroyed.

The only manner of permissible disclosure of data would be "anonymized" data (data with all identifiable information removed) for research or statistical purposes.

The bill also provides for penalties when any of the privacy requirements are violated.

COUNCIL STRATEGIC PLAN OBJECTIVE: Goal #10 Individuals with developmental disabilities understand their options regarding health services and have access to a full range of coordinated health, dental and mental health services in their community.

PRIOR COUNCIL ACTIVITY: None.

STAFF RECOMMENDATION(S): Support SB 1267

ATTACHMENT(S): SB 1267 and Senate Judiciary Committee analysis

PREPARED: Melissa C. Corral May 4, 2012

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1267

Introduced by Senator Padilla

February 23, 2012

~~An act to amend Sections 105280 and 109910 of the Health and Safety Code, relating to public health. An act to add Chapter 2.6 (commencing with Section 56.18) to Part 2.6 of Division 1 of the Civil Code, relating to genetic information.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1267, as amended, Padilla. ~~Public health.~~ *Genetic Information Privacy Act.*

Existing law prohibits discrimination on the basis of genetic information under various provisions of law, including, among others, the Unruh Civil Rights Act and the California Fair Employment and Housing Act. Existing law prohibits discrimination in the enrollment of health insurance plans on the basis of an individual's genetic characteristics, as defined. Existing law also imposes prohibitions on the disclosure by a health care service plan of the results of a test for a genetic characteristic contained in an applicant's or enrollee's medical records.

This bill would establish the Genetic Information Privacy Act, which would provide that an individual's genetic information, as defined, is protected by the right of privacy. The bill would, notwithstanding any other law, prohibit any person, as defined, from obtaining, analyzing, or disclosing genetic information without the written authorization of the individual to whom the information pertains, as specified, and would establish civil and criminal penalties for a violation of this prohibition, as specified. However, this bill would exempt from these prohibitions

and penalties law enforcement officials in the execution of their official duties, hospitals, laboratories, and physicians carrying out court-ordered tests, licensed health care professionals in medical emergencies, coroners and medical examiners in the execution of their official duties, any screening of newborn infants required by state or federal law, and disaggregated and anonymized data, as defined, that was either collected before the bill's enactment or if written consent is obtained. By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act because it creates new crimes.

~~Existing law requires the State Department of Public Health to administer various public health programs, including the childhood lead poisoning prevention program and the food safety inspection program.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2.6 (commencing with Section 56.18) is
2 added to Part 2.6 of Division 1 of the Civil Code, to read:

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CHAPTER 2.6. GENETIC PRIVACY

5

6 56.18. (a) This chapter shall be known, and may be cited, as
7 the Genetic Information Privacy Act.

8 (b) For purposes of this chapter, the following definitions apply:

9 (1) "Anonymized" means data from which an individual's
10 identifying information has been removed.

11 (2) "DNA sample" means any human biological specimen that
12 is obtained or retained for the purpose of extracting and analyzing
13 DNA to perform a genetic test.

14 (3) "Genetic characteristic" includes a gene, chromosome, or
15 alteration thereof that may be tested to determine the existence or

1 risk of a disease, disorder, trait, propensity, or syndrome, or to
2 identify an individual or a blood relative.

3 (4) "Genetic information" means, with respect to an individual,
4 information about the genetic tests of the individual, the genetic
5 tests of the individual's family members, and the manifestation of
6 a disease or disorder in family members of the individual. The
7 term includes a request for, or receipt of, genetic services, or
8 participation in clinical research that includes genetic services,
9 by the individual or a family member of the individual.

10 (5) "Genetic service" means a genetic test, genetic education,
11 or genetic counseling, including obtaining, interpreting, or
12 assessing genetic information.

13 (6) "Genetic test" means a test for determining the presence
14 or absence of genetic characteristics in an individual or the
15 individual's blood relatives, including tests of nucleic acids such
16 as DNA, RNA, and mitochondrial DNA, chromosomes, or proteins
17 in order to diagnose or determine a genetic characteristic.

18 (7) "Person" means an individual, partnership, corporation,
19 association, business, business trust, or legal representative of an
20 organization.

21 56.19. (a) Genetic information is protected by the right of
22 privacy, and, notwithstanding subdivision (c) of Section 56.10, or
23 any other law, shall not be obtained, analyzed, retained, or
24 disclosed without the written authorization of the individual
25 pursuant to subdivision (g).

26 (b) Any person who negligently violates subdivision (a) shall
27 be assessed a civil penalty in an amount not to exceed one thousand
28 dollars (\$1,000) plus court costs, as determined by the court, which
29 penalty and costs shall be paid to the individual to whom the
30 genetic information pertains.

31 (c) Any person who willfully violates subdivision (a) shall be
32 assessed a civil penalty in an amount not less than one thousand
33 dollars (\$1,000) and not more than five thousand dollars (\$5,000)
34 plus court costs, as determined by the court, which penalty and
35 costs shall be paid to the individual to whom the genetic
36 information pertains.

37 (d) Any person who willfully or negligently violates subdivision
38 (a) and the violation results in economic, bodily, or emotional
39 harm to the individual to whom the genetic information pertains,

1 is guilty of a misdemeanor punishable by a fine not to exceed ten
2 thousand dollars (\$10,000).

3 (e) In addition to the penalties listed in subdivisions (b) and (c),
4 a person who commits an act described in subdivision (b) or (c)
5 shall be liable to the person to whom the genetic information
6 pertains for all actual damages, including damages for economic,
7 bodily, or emotional harm which is proximately caused by the act.

8 (f) Each violation of this section is a separate and actionable
9 offense.

10 (g) The written authorization required by this section shall
11 satisfy all of the following requirements:

12 (1) Is written in plain language and is in a typeface no smaller
13 than 14-point type.

14 (2) Is dated and signed by the individual or a person authorized
15 to act on behalf of the individual.

16 (3) Specifies the types of persons authorized to obtain, analyze,
17 or disclose genetic information about the individual.

18 (4) Specifies the nature of the genetic information authorized
19 to be obtained, analyzed, or disclosed.

20 (5) States the name or functions of the persons or entities
21 authorized to obtain, analyze, or receive the information.

22 (6) Specifies the purposes for which the information is collected.

23 (7) Specifies the length of time the authorization shall remain
24 valid.

25 (8) Specifies whether the genetic information may be used for
26 any commercial purpose.

27 (9) Specifies whether the genetic information shall remain
28 identifiable or shall be made nonidentifiable.

29 (10) If the information is retained, specifies the manner in which
30 the information shall be stored.

31 (11) Requires the destruction of the genetic information and
32 sample after the specific purpose for which the consent was granted
33 has been fulfilled.

34 (12) Permits the individual to limit access to the information to
35 a certain person or persons.

36 (13) Permits the individual to revoke his or her consent in
37 writing at any time.

38 (14) Advises the individual signing the authorization of the right
39 to receive a copy of the authorization. Written authorization is
40 required for each separate disclosure of the genetic information.

1 (h) *This section shall not apply to the following:*

2 (1) *A law enforcement official in the execution of his or her*
3 *official duties.*

4 (2) *A hospital, laboratory, or physician carrying out*
5 *court-ordered tests for genetic information.*

6 (3) *A licensed health care professional, as defined in Section*
7 *56.05, in medical emergencies.*

8 (4) *A coroner or medical examiner in the execution of his or*
9 *her official duties.*

10 (5) *Disaggregated and anonymized data that was collected*
11 *before the enactment of the act adding this section.*

12 (6) *Any screening of newborn infants required by state or federal*
13 *law.*

14 (7) *Disaggregated and anonymized data if written consent under*
15 *subdivision (g) is obtained.*

16 SEC. 2. *No reimbursement is required by this act pursuant to*
17 *Section 6 of Article XIII B of the California Constitution because*
18 *the only costs that may be incurred by a local agency or school*
19 *district will be incurred because this act creates a new crime or*
20 *infraction, eliminates a crime or infraction, or changes the penalty*
21 *for a crime or infraction, within the meaning of Section 17556 of*
22 *the Government Code, or changes the definition of a crime within*
23 *the meaning of Section 6 of Article XIII B of the California*
24 *Constitution.*

25 ~~SECTION 1. Section 105280 of the Health and Safety Code~~
26 ~~is amended to read:~~

27 ~~105280. For purposes of this chapter, the following definitions~~
28 ~~apply:~~

29 ~~(a) "Appropriate case management" means health care referrals,~~
30 ~~environmental assessments, and educational activities, performed~~
31 ~~by the appropriate person, professional, or entity, necessary to~~
32 ~~reduce a child's exposure to lead and the consequences of the~~
33 ~~exposure, as determined by the United States Centers for Disease~~
34 ~~Control, or as determined by the department pursuant to Section~~
35 ~~105300.~~

36 ~~(b) "Lead poisoning" means the disease present when the~~
37 ~~concentration of lead in whole venous blood reaches or exceeds~~
38 ~~levels constituting a health risk, as specified in the most recent~~
39 ~~United States Centers for Disease Control guidelines for lead~~
40 ~~poisoning as determined by the department, or when the~~

1 ~~concentration of lead in whole venous blood reaches or exceeds~~
2 ~~levels constituting a health risk as determined by the department~~
3 ~~pursuant to Section 105300.~~

4 ~~(e) “Department” means the State Department of Public Health.~~

5 ~~(d) “Health assessment” has the same meaning as prescribed in~~
6 ~~Section 6800 of Title 17 of the California Code of Regulations.~~

7 ~~(e) “Screen” means the medical procedure by which the~~
8 ~~concentration of lead in whole venous blood is measured.~~

9 ~~(f) “Health care” means the identification, through evaluation~~
10 ~~and screening, if indicated, of lead poisoning, as well as any~~
11 ~~followup medical treatment necessary to reduce the elevated blood~~
12 ~~lead levels.~~

13 ~~(g) “Environmental lead contamination” means the persistent~~
14 ~~presence of lead in the environment, in quantifiable amounts, that~~
15 ~~results in ongoing and chronic exposure to children.~~

16 ~~SEC. 2. Section 109910 of the Health and Safety Code is~~
17 ~~amended to read:~~

18 ~~109910. “Department” means the State Department of Public~~
19 ~~Health.~~

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BILL ANALYSIS

SENATE JUDICIARY COMMITTEE
 Senator Noreen Evans, Chair
 2011-2012 Regular Session

SB 1267 (Padilla)
 As Amended March 27, 2012
 Hearing Date: April 24, 2012
 Fiscal: Yes
 Urgency: No
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SUBJECT

Privacy: Genetic Information

DESCRIPTION

This bill would enact the Genetic Information Privacy Act, which would permit genetic information to be obtained, analyzed, retained, or disclosed as long as the individual to whom the information pertains has provided a written authorization. This bill would specify the information that must be included in the authorization and impose various civil penalties to be paid to the individual to whom the information pertains for a violation of the bill's provisions, as specified. This bill contains several exceptions to its provisions.

BACKGROUND

Genetic testing is a sophisticated technique used to test for genetic disorders. More recently, direct-to-consumer genetic testing has allowed individual consumers to provide genetic samples in order to test for genetic disorders, identify their ancestry, or take part in research studies. But, this testing has not come without controversy and concerns. A 2010 report by the General Accounting Office (GAO), entitled "Direct-to-Consumer Genetic Tests: Misleading Test Results are Further Complicated by Deceptive Marketing and Other Questionable Practices," found test results that were "misleading and of no practical use. For example, GAO's donors often received disease risk predictions that varied across the four companies, indicating that identical DNA samples yield contradictory results." (General Accounting Office, Highlights, Direct-to-Consumer Genetic Tests: Misleading Test Results are (more)

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Further Complicated by Deceptive Marketing and Other Questionable Practices (July 22, 2010) [as of Apr. 19, 2012].) Furthermore-and the subject of this bill-the GAO found egregious examples of deceptive marketing, including two companies who "told GAO's fictitious consumer that she could secretly test her fiancé's DNA to 'surprise' him with test results," despite the fact that surreptitious genetic testing is restricted in many states. In 2009, two reporters from New Scientist demonstrated that it was possible to bypass and ignore consent requirements of certain companies and submit someone else's DNA for testing. Their article detailing the experience stated:

The terms and conditions for the deCODEme service state that someone submitting DNA must have the legal authority to do so, and that the sample must be taken from the cheek. We wanted to test whether deCODEme is vulnerable to abuse from someone prepared to ignore these terms, so Michael pipetted some of Peter's DNA onto deCODEme's swabs and sent them off for analysis under his own name. As far as Decode was concerned, it was a sample of Michael's DNA taken by swabbing his own cheek. . . . The reporters submitted a sample to another

company.] This company also has terms and conditions specifying that customers must have the necessary consents and approvals to submit samples. Mimicking a hacker who would be willing to ignore these terms, Michael submitted the amplified DNA for scanning. . . . Both of these back-up plans worked.

In addition, a report by the Genetics and Public Policy Center found "10 states that restrict surreptitious collection, analysis, and/or disclosure for both health- and non-health related purposes, 15 states that restrict surreptitious testing for health-related purposes only, six states with restrictions in the context of court-ordered parentage proceedings, and two states with employment-related restrictions only." (Genetics and Public Policy Center, State laws pertaining to surreptitious DNA testing (Jan. 21, 2009) [Yas of Apr. 19, 2012](#).)

Federal and state laws offer various protections for genetic testing. For example, in 2008, Congress enacted the federal Genetic Information and Nondiscrimination Act (GINA), which prohibits discrimination in group health plan coverage and employment based on genetic information. Last year, the

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Legislature passed and the Governor signed SB 559 (Padilla, Ch. 261, Stats. 2011), which prohibited discrimination under the Unruh Civil Rights Act and the Fair Employment and Housing Act (FEHA) on the basis of genetic information. In 2009, SB 482 (Padilla), sponsored by 23&Me, was introduced to relate to direct-to-consumer genetic testing. Under existing law, the Department of Public Health has required companies that provide for direct-to-consumer genetic testing to be licensed as clinical laboratories. SB 482, which would have specifically provided that such companies are not clinical labs and therefore not subject to requirements for those laboratories and instead would have established a separate regulatory scheme, died in this committee.

This bill would permit genetic information to be obtained, analyzed, retained, or disclosed with the written authorization of the individual to whom the information pertains.

(This analysis reflects author's amendments to be offered in Committee.)

CHANGES TO EXISTING LAW

Existing law, the California Constitution, provides that all people have inalienable rights, including the right to pursue and obtain privacy. (Cal. Const., art. I, Sec. 1.)

Existing law prohibits discrimination under the Unruh Civil Rights Act and the Fair Employment and Housing Act (FEHA) on the basis of genetic information. (Civ. Code Sec. 51 and Gov. Code Sec. 12920 et seq.)

Existing federal law prohibits, under the Genetic Information and Nondiscrimination Act (GINA), discrimination in group health plan coverage and employment based on genetic information. (Pub. Law 110-233.)

Existing law provides for the following penalties concerning the disclosure of genetic tests:

any person who negligently discloses results of a test for a genetic characteristic to any third party, in a manner which identifies or provides identifying characteristics of the person to whom the test results apply, except as specified, shall be assessed a civil penalty in an amount not to exceed \$1,000 plus court costs, as determined by the court, which penalty and costs shall be paid to the subject of the test;

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any person who willfully discloses the results of a test for a genetic characteristic to any third party, in a manner which identifies or provides identifying characteristics of the person to whom the test results apply, except as specified, shall be assessed a civil penalty in an amount not less than \$1,000 and no more than \$5,000 plus court costs, as determined by the court, which penalty and costs shall be paid to the subject of the test;

any person who commits any of the above two acts shall be liable to the subject for all actual damages, including damages for economic, bodily, or emotional harm which is proximately caused by the act;

any person who willfully or negligently discloses the results of a test for a genetic characteristic to a third party, in a manner which identifies or provides identifying characteristics of the person to whom the test results apply, except as specified, which results in economic, bodily, or emotional harm to the subject of the test, is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine of not to exceed \$10,000, or by both that fine and imprisonment; and each disclosure made in violation of this section is a separate and actionable offense. (Ins. Code Sec. 10149.1.)

This bill would provide that genetic information is protected by the constitutional right of privacy and would specify that genetic information shall not be obtained, analyzed, retained, or disclosed without the written authorization of the individual to whom the information pertains pursuant to the bill.

This bill would require that the written authorization:

- be written in plain language in typeface no smaller than 14-point type;
- be dated and signed by the individual to whom the information pertains or a person authorized to act on behalf of the individual; and
- be a separate document, not attached to any other document, and may not be more than one page.

This bill would require any person who obtains, analyzes, retains, or discloses the genetic information of an individual to use a statutory notice form to obtain the authorization of the individual to whom the information pertains so that the individual may make a decision and provide direction regarding the use of his or her genetic information. That form would require the following information:

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- the types of persons who are authorized to obtain, analyze, retain, or disclose genetic information about the individual;
- the nature of the genetic information that the individual is authorizing to be obtained, analyzed, retained, or disclosed;
- the name of the person or persons authorized to obtain, analyze, retain, or disclose the information and his or her function;
- the purpose for which the information is collected;
- a statement that the authorization shall remain valid for as long as it takes to carry out the purpose;
- whether the genetic information will remain identifiable or will be made nonidentifiable; and
- if the information is retained, the manner in which the information shall be stored.

This bill would require that the form notify the individual that he or she has the right to limit the purpose for which his or her genetic information is used and, once the purpose is fulfilled, the genetic information and sample must be destroyed. The statutory form created by this bill would also permit the individual to authorize the use of his or her genetic information for research purposes or for commercial purposes and permit him or her to limit the purpose. The form would permit

the individual to limit access to his or her genetic information to certain people specified by the individual.

This bill would provide that any person who obtains, analyzes, retains, or discloses the genetic information of an individual may not obtain, analyze, retain, or disclose that genetic information for any purpose other than the purpose authorized by the individual to whom the information pertains.

This bill would provide that once the specific purpose authorized by the individual to whom the genetic information pertains has been fulfilled, the individual's genetic information and DNA sample shall be destroyed.

This bill would specify that genetic information may be obtained, analyzed, retained, or disclosed without the authorization provided in the bill in the following instances provided that the entity may obtain, analyze, retain, or disclose the information only for the specified purposes indicated, and any use for any other purpose is subject to the authorization required by the bill:

a law enforcement official in the execution of his or her

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official duties consistent with existing law;
a hospital, laboratory, or physician carrying out court-ordered tests for genetic information;
a licensed health care professional in medical emergencies;
a coroner or medical examiner in the execution of his or her official duties consistent with existing law; and
any screening of newborn infants required by state or federal law.

This bill would provide that disaggregated and anonymized data that was collected before the enactment of this bill may be obtained, analyzed, retained, or disclosed without the required authorization.

This bill would specify that disaggregated and anonymized data may be obtained, analyzed, retained, or disclosed if written authorization required by the bill is obtained and the data is used for a purpose authorized by the individual to whom the information pertains.

This bill would provide that any person who negligently violates the bill's authorization requirement shall be assessed a civil penalty not to exceed \$1,000 plus court costs, which shall be paid to the individual to whom the genetic information pertains.

This bill would specify that any person who willfully violates the bill's authorization requirement shall be assessed a civil penalty in an amount not less than \$1,000 and not more than \$5,000 plus court costs, which shall be paid to the individual to whom the genetic information pertains.

This bill would provide that, in addition to the penalties above, a person who commits an act described in the above two penalty provisions shall be liable to the person to whom the genetic information pertains for all actual damages, including damages for economic, bodily, or emotional harm which is proximately caused by the act.

This bill would provide that any person who willfully or negligently violates the bill's authorization requirement and the violation results in economic, bodily, or emotional harm to the individual to whom the genetic information pertains is guilty of a misdemeanor punishable by a fine not to exceed \$10,000.

This bill would provide that each violation of the bill is a

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separate and actionable offense.

This bill contains definitions of the following terms: "anonymized," "DNA sample," "genetic characteristic," "genetic information," "genetic service," "genetic test," and "person," as specified.

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COMMENT

1. Stated need for the bill

The author writes:

While these advances in technology have led to the ease of deciphering personal genetic information, they also give rise to the potential for misuse of genetic information. For example, in 2009, two reporters from New Scientist magazine successfully had their sample DNA tested and analyzed without consent. In 2010, the U.S. Government Accountability Office released a study that illustrated examples of genetic testing companies who were willing to test DNA without the consent of the person to whom the genetic information belonged. The potential motives for wanting to obtain such information could give rise to a genetic McCarthyism as was noted in a November 2008 article from the New England Journal of Medicine. Given that traces of our DNA and genetic information are left behind on numerous types of discarded items, this threat is very real.

2. This bill would permit genetic information to be obtained, analyzed, retained, or disclosed with written authorization of the individual to whom the information pertains

Under this bill, genetic information could be obtained, analyzed, retained, or disclosed as long as the individual to whom the information pertains has provided a written authorization. The author's amendments clarify the bill's provisions and provide an individual with a clear opportunity to authorize the use of his or her genetic information for particular purposes, as described in more detail below.

Importantly, the amendments also create substantive protections which are necessary given that sometimes consent can be fraudulent. This is evidenced by the experience of the two New Scientist reporters, described in the Background and noted by the author, who simply ignored consent requirements. If consent requirements can be ignored, substantive provisions become increasingly important as detailed below.

a. Statutory notice form

From a policy standpoint, permitting genetic information to be obtained, analyzed, retained, or disclosed provided that the

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individual to whom the information pertains has given his or her authorization raises the question of how best to ensure that individual is making a fully informed decision. Given that DNA is unique to every individual, it is critically important that people know where their information is going, for what purposes it is being used, and what happens to their information after that purpose is fulfilled. The statutory notice form in this bill is intended to achieve this goal.

This bill would require that any person who obtains, analyzes, retains, or discloses the genetic information of an individual must use a statutory notice form to obtain the authorization of the individual to whom the information pertains so that the individual may make a decision and provide direction regarding the use of his or her genetic information. That form would contain specified information, including the types, names, and functions of persons who are authorized to obtain, analyze, retain, or disclose genetic information about the individual; the nature of the genetic information that the individual is authorizing to be obtained, analyzed, retained, or disclosed; and the purpose for which the information is collected.

The form would also contain important information to help the individual make a decision and direct the use of his or her genetic information, including a statement that the authorization shall remain valid for as long as it takes to carry out the purpose and a notification that the individual has the right to limit the purpose for which his or her genetic information is used and, once the purpose is fulfilled, the genetic information and sample must be destroyed. The form also permits the individual to authorize the use of his or her genetic information for research purposes or for commercial purposes.

b. Purpose limitation and destruction of information after purpose fulfilled

This bill would require that the written authorization specify the purpose for which the information is collected. This bill would also prohibit any person who obtains, analyzes, retains, or discloses the genetic information of an individual from obtaining, analyzing, retaining, or disclosing the genetic information for any purpose other than the purpose authorized by the individual to whom the information pertains. This purpose limitation, which would limit the use of the information to the purpose for which it was collected, is a

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fundamental tenet of privacy law and appears in other statutes where personal information—often name, address, or other information that is arguably not as unique to an individual as his or her DNA—is permitted to be shared or disclosed for a particular purpose. (See, e.g., Fam. Code Sec. 17528; Pub. Util. Code Secs. 8380, 8381; Veh. Code Secs. 1808.23, 21455.5, 40248.)

This bill also would require that an individual's genetic information and DNA sample be destroyed once the specific purpose authorized by the individual to whom the genetic information pertains has been fulfilled.

c. Use of genetic information for particular purposes:
commercial, research, or other purposes

Under this bill, the statutory authorization that must be used to obtain an individual's authorization to obtain, analyze, retain, or disclose his or her genetic information permits the individual to authorize the use of his or her genetic information for research purposes or for commercial purposes. The form would allow the individual to limit the purpose for which his or her genetic information is authorized to be used. The form also would permit the individual to limit access to his or her genetic information to certain people specified by the individual.

In some cases, a consumer may want to give his or her genetic information only for a limited purpose such as testing for genetic disorders or risks or ancestry. The statutory authorization created by this bill allows the individual to do so. Also, some commercial genetic testing companies "include contractual clauses that lets them use and sell their client's genetic information to outside parties." (Keim, Genetic protections skimp on privacy, says gene tester (May 23, 2008) Wired Yes of Apr. 15, 2012].) Under this bill, that use would not be permitted without the individual's authorization obtained using the statutory authorization.

d. Exemptions

Under this bill, genetic information may be obtained, analyzed, retained, or disclosed without the statutory authorization described above only in the following instances provided that the specified entity may obtain, analyze,

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retain, or disclose the information only for the particular purpose indicated, and any use for any other purpose is subject to the authorization required by the bill:

- a law enforcement official in the execution of his or her official duties consistent with existing law;
- a hospital, laboratory, or physician carrying out court-ordered tests for genetic information;

- a licensed health care professional, as defined in

Section 56.05, in medical emergencies;

- a coroner or medical examiner in the execution of his or her official duties consistent with existing law; and
- any screening of newborn infants required by state or federal law.

In addition, the bill would provide that disaggregated and anonymized data that was collected before the enactment of this bill may be obtained, analyzed, retained, or disclosed without the required authorization. This bill also would specify that disaggregated and anonymized data may be obtained, analyzed, retained, or disclosed if written authorization required by the bill is obtained and the data is used for a purpose authorized by the individual to whom the information pertains. Both of these instances use the term "disaggregated," which is not defined in the bill. The author's office indicates that it is currently in discussion

with privacy groups regarding this particular term which may need to be revised as the bill moves through the legislative process.

In addition, the California Hospital Association has raised questions about this bill's application to certain kinds of information sharing and has indicated a desire to work with the author and Committee staff as the bill moves through the process to address any concerns.

a. Penalties

_____ This bill would impose penalties for violation of the bill's requirement that a written authorization first be obtained before an individual's genetic information may be obtained, analyzed, retained, or disclosed. Those penalties range from negligent violations, which would be subject to a civil penalty not to exceed \$1,000 plus court costs, to willful violations, which are subject to a civil penalty in an amount not less than \$1,000 and not more than \$5,000 plus court

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costs. In both cases, the penalties and costs would be paid to the individual to whom the genetic information pertains.

_____ This bill also would provide that, in addition to the penalties above, a person who commits an act described in the above two penalty provisions would be liable to the person to whom the genetic information pertains for all actual damages, including damages for economic, bodily, or emotional harm which is proximately caused by the act. And, any person who willfully or negligently violates the bill's authorization requirement and the violation results in economic, bodily, or emotional harm to the individual to whom the genetic information pertains is guilty of a misdemeanor punishable by a fine not to exceed \$10,000.

These penalties are based on existing Insurance Code Section 10149.1 and, in fact, mirror those provisions which relate to the disclosure of test results for a genetic characteristic. Under Section 10149.1, penalties are imposed when such a disclosure is made to any third party in a manner which identifies or provides identifying characteristics of the person to whom the test results apply.

Support : None Known

Opposition : None Known

HISTORY

Source : Author

Related Pending Legislation : None Known

Prior Legislation :

SB 559 (Padilla, Ch. 261, Stats. 2011) See Background.

SB 482 (Padilla, 2009) See Background.

SCDD Legislative Update

AB 13

(Knight R) Public school volunteers.

Introduced: 12/6/2010

Last Amend: 5/11/2011

Status: 7/8/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was ED. on 6/29/2011)

Location: 7/8/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Existing law authorizes any person, except a person required to register as a sex offender pursuant to a designated provision, to be permitted by the governing board of a school district to serve as a nonteaching volunteer aide under the immediate supervision and direction of certificated personnel of the district to perform noninstructional work that serves to assist the certificated personnel of the district in their teaching and administrative responsibilities. Existing law authorizes a school district or county office of education to request that a local law enforcement agency conduct an automated records check of a prospective nonteaching volunteer aide in order to ascertain whether the prospective nonteaching volunteer aide has been convicted of a designated sex offense. This bill would specify that each of these provisions applies to charter schools. The bill would also authorize a school district, county office of education, or charter school to request a local law enforcement agency to conduct an automated records check of a prospective nonteaching volunteer aide in order to ascertain whether that person has been convicted of a felony controlled substance offense that involves a minor or a violent or serious felony, as specified. The bill would additionally prohibit persons who have been convicted of violent or serious felonies, specified sex offenses, or felony controlled substance offenses, as specified, from serving as nonteaching volunteer aides, but would provide that a person would not be prohibited from serving as a nonteaching volunteer aide solely because of a conviction of a controlled substance offense that involves a minor or a violent or serious felony 5 years after the date of that conviction. This bill contains other existing laws.

Position

AB 40

(Yamada D) Elder and dependent adult abuse: reporting.

Introduced: 12/6/2010

Last Amend: 3/21/2012

Status: 3/21/2012-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on HUMAN S.

Location: 3/21/2012-S. HUM. S.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: The Elder Abuse and Dependent Adult Civil Protection Act establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. The act requires certain persons, called mandated reporters, to report known or suspected instances of elder or dependent adult abuse. The act requires a mandated reporter, and authorizes any person who is not a mandated reporter, to report the abuse to the local ombudsperson or the local law enforcement agency if the abuse occurs in a long-term care facility. Failure to report physical abuse and financial abuse of an elder or dependent adult under the act is a misdemeanor. This bill would require that a report made by telephone by a mandated reporter to report suspected or alleged physical abuse, as defined, that occurred in a long-term care facility, be made to the local law enforcement agency and would require that the written report be made to both the local ombudsperson and the local law enforcement agency. This bill contains other related provisions and other existing laws.

Position

support with
Amendments

AB 43

(Monning D) Medi-Cal: eligibility.

Introduced: 12/6/2010

Last Amend: 5/27/2011

Status: 2/2/2012-Referred to Com. on HEALTH.

Location: 2/2/2012-S. HEALTH

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. This bill would require the department to establish, by January 1, 2014, eligibility for Medi-Cal benefits for any person who meets these eligibility requirements. This bill would permit the department, to the

extent permitted by federal law, to phase in coverage for those individuals. This bill contains other related provisions and other existing laws.

Position

AB 154

(Beall D) Health care coverage: mental health services.

Introduced: 1/18/2011

Last Amend: 1/23/2012

Status: 2/16/2012-Referred to Com. on HEALTH.

Location: 2/16/2012-S. HEALTH

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health care service plan contract and a health insurance policy are required to provide coverage for the diagnosis and treatment of severe mental illnesses of a person of any age. Existing law does not define the term "severe mental illnesses" for this purpose but describes it as including several conditions. This bill would expand this coverage requirement for certain health care service plan contracts and health insurance policies issued, amended, or renewed on or after January 1, 2013, to include the diagnosis and treatment of a mental illness of a person of any age and would define mental illness for this purpose as a mental disorder defined in the Diagnostic and Statistical Manual of Mental Disorders IV (DSM-IV), including substance abuse but excluding nicotine dependence and specified diagnoses defined in the manual, subject to regulatory revision, as specified. The bill would specify that this requirement does not apply to a health care benefit plan, contract, or health insurance policy with the Board of Administration of the Public Employees' Retirement System unless the board elects to purchase a plan, contract, or policy that provides mental health coverage. This bill contains other related provisions and other existing laws.

Position

support with
Amendments

AB 171

(Beall D) Pervasive developmental disorder or autism.

Introduced: 1/20/2011

Last Amend: 1/23/2012

Status: 2/16/2012-Referred to Com. on HEALTH.

Location: 2/16/2012-S. HEALTH

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law provides for licensing and regulation of health care service plans by the Department of Managed Health Care. A willful violation of these provisions is a crime. Existing law provides for the regulation of health insurers by the Insurance Commissioner. Existing law requires health care service plan contracts and health insurance policies to provide coverage for the diagnosis and treatment of severe mental illnesses, including pervasive developmental disorder or autism, under the same terms and conditions applied to other medical conditions, as specified. Commencing July 1, 2012, and until July 1, 2014, existing law requires health care service plan contracts and health insurance policies to provide coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism. This bill would require health care service plan contracts and health insurance policies to provide coverage for the screening, diagnosis, and treatment, other than behavioral health treatment, of pervasive developmental disorder or autism. The bill would, however, provide that no benefits are required to be provided that exceed the essential health benefits that will be required under specified federal law. The bill would prohibit health care service plans and health insurers from denying, terminating, or refusing to renew coverage solely because the individual is diagnosed with or has received treatment for pervasive developmental disorder or autism. Because the bill would change the definition of a crime with respect to health care service plans, it would thereby impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

support with
Amendments

AB 350

(Solario D) Displaced Janitor Opportunity Act.

Introduced: 2/10/2011

Last Amend: 9/2/2011

Status: 9/10/2011-Read third time. Refused passage. (Ayes 17. Noes 18. Page 2488.).

Location: 9/6/2011-S. THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law, the Displaced Janitor Opportunity Act, requires contractors and subcontractors, that are awarded contracts or subcontracts by an awarding authority to provide janitorial or building maintenance services at a particular job site or sites, to retain, for a period of 60 days, certain employees who were employed at that site by the previous contractor or subcontractor. The act requires the successor contractors and subcontractors to offer continued employment to those employees retained for the 60-day period if their performance during that 60-day period is satisfactory. The act authorizes an employee who was not offered employment or who has been discharged in violation of these provisions by a successor contractor or successor subcontractor, or an agent of the employee, to bring an action against a successor contractor or successor subcontractor in any superior court of the state having jurisdiction over the successor contractor or successor subcontractor, as specified. This bill would rename the act the Displaced Property Service Employee Opportunity Act and make the provisions of the act applicable to property services, which would consist of licensed security, as defined, window cleaning, food cafeteria and dietary services, janitorial services, and building maintenance services. This bill would exclude from the definitions of "contractor" and "subcontractor" specified types of food service providers. The bill also would make conforming changes.

Position

AB 367 (Smyth R) Board of Behavioral Sciences: reporting.

Introduced: 2/14/2011

Last Amend: 1/4/2012

Status: 2/16/2012-Referred to Com. on B., P. & E.D.

Location: 2/16/2012-S. B., P. & E.D.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Under existing law, the Board of Behavioral Sciences is responsible for the licensure and regulation of marriage and family therapists, licensed educational psychologists, clinical social workers, and licensed professional clinical counselors. Existing law requires certain healing arts boards to report to the State Department of Health Care Services specified licensure information relating to any person whose license has been revoked, suspended, surrendered, or made inactive by the licensee in order to prevent state reimbursement for services provided after the cancellation of a license. This bill would, on and after July 1, 2013, make that reporting requirement applicable to the Board of Behavioral Sciences.

Position

AB 369 (Huffman D) Health care coverage: prescription drugs.

Introduced: 2/14/2011

Status: 2/16/2012-Referred to Com. on HEALTH.

Location: 2/16/2012-S. HEALTH

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Commonly referred to as utilization review, existing law governs the procedures that apply to every health care service plan and health insurer that prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based on medical necessity, requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees or insureds, as specified. This bill would impose specified requirements on health care service plans or health insurers that restrict medications for the treatment of pain pursuant to step therapy or fail first protocol. The bill would authorize the duration of any step therapy or fail first protocol to be determined by the prescribing physician and would prohibit a health care service plan or health insurer from requiring that a patient try and fail on more than two pain medications before allowing the patient access to other pain medication prescribed by the physician, as specified. This bill contains other related provisions and other existing laws.

Position

AB 493 (Perea D) Registered sex offenders: community care facilities.

Introduced: 2/15/2011

Last Amend: 1/4/2012

Status: 3/27/2012-In committee: Hearing postponed by committee. (Refers to 3/5/2012 hearing)

Location: 1/4/2012-S. HUM. S.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law, the Sex Offender Registration Act, requires persons convicted of specified sex offenses to register with local authorities for life while residing, located, attending school, or working in California. Willful failure to register, as required, is a misdemeanor, or a felony, depending on the underlying offense. Existing law provides for the licensing and regulation of various community care and child care facilities by the State Department of Social Services. This bill would prohibit a person required to register under the act from residing, except as specified, working, or volunteering in specified homes or facilities licensed by the State Department of Social Services or a county child welfare services agency, as specified. Violation of this prohibition would be a misdemeanor. This bill contains other related provisions and other existing laws.

Position

AB 508

(Swanson D) Displaced public transit, solid waste handling, and recycling services employees.

Introduced: 2/15/2011

Status: 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 6/23/2011)

Location: 8/26/2011-S. 2 YEAR

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain, for a period of at least 90 days, certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Under this law, contractors or subcontractors who agree to retain employees must offer employment to those employees except for reasonable and substantiated cause. Additionally, the law provides that if a successor contractor or subcontractor determines that fewer employees are needed than under the prior contract, qualified employees must be retained by seniority within the job classification. Further, the existing contractor, when required by the awarding authority, must provide employment information relating to wage rates, benefits, dates of hire, and job classifications of employees under the existing service contract to the awarding authority or a successor contractor. This bill would add employees of solid waste handling and recycling contractors and subcontractors to those provisions. By requiring local agencies to give a bidding preference to such contractors and subcontractors, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

AB 518

(Wagner R) Elder and dependent adult abuse: mandated reporters.

Introduced: 2/15/2011

Last Amend: 3/23/2011

Status: 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was B. & F. on 5/26/2011)

Location: 8/26/2011-A. 2 YEAR

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, establishes procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse, including, but not limited to financial abuse, as defined. These procedures require persons, defined as mandated reporters, to report known or suspected instances of elder or dependent adult abuse. A violation of the reporting requirements by a mandated reporter is a misdemeanor. Existing law, which will be repealed on January 1, 2013, defines who is a mandated reporter of suspected financial abuse of an elder or dependent adult. A violation of the financial abuse reporting requirements is subject to civil penalties. This bill would delete the January 1, 2013, repeal date and make conforming changes .

Position

Support

AB 519

(Hernández, Roger D) Pupil discipline: restraint and seclusion.

Introduced: 2/15/2011

Last Amend: 1/4/2012

Status: 1/13/2012-Failed Deadline pursuant to Rule 61(b)(1). (Last location was ED. on 1/4/2012)

Location: 1/13/2012-A. DEAD

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered

Dead	1st House	2nd House	Conc.			
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Summary: Existing law prohibits a person employed by or engaged in a public school to inflict, or cause to be inflicted, corporal punishment upon a pupil. This bill would authorize an educational provider, as defined, to use physical or mechanical restraint or seclusion, as defined, if specified conditions are met. The bill would require a seclusion room utilized by an educational provider to fulfill specified safety requirements. The bill would prohibit an educational provider from depriving a pupil of sleep, food, hydration, or access to bathroom facilities and from utilizing specified restraint and seclusion techniques, including, but not limited to, using chemical restraint, as defined, using an improvised mechanical restraint device, and using physical or mechanical restraint techniques that restrict breathing. The bill would require the State Department of Education to establish a mandatory system of data collection regarding the use of physical and mechanical restraint and seclusion that is consistent, timely, and publicly accessible. The bill would require an educational provider to annually report the data required to be collected to the department and would require the reported data to include the name of the educational provider and other specified information. To the extent that the data collection and reporting requirements would impose new duties on local educational agencies not required by federal law, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

support with
Amendments

AB 733

(Ma D) Pupil records: privacy rights.

Introduced: 2/17/2011

Last Amend: 6/16/2011

Status: 7/5/2011-In Senate. Held at Desk.

Location: 7/5/2011-S. DESK

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Existing law prohibits a school district from permitting access to pupil records to any person without written parental consent or judicial order, except as provided. This bill would make various changes to these pupil record provisions to conform them to federal law.

Position

AB 784

(Yamada D) Adult day health care.

Introduced: 2/17/2011

Last Amend: 8/23/2011

Status: 8/23/2011-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on HEALTH.

Location: 8/23/2011-S. HEALTH

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Existing law, the California Adult Day Health Care Act, provides for the licensure and regulation of adult day health care centers, with administrative responsibility for the adult day health care program shared among the State Department of Public Health, the State Department of Health Care Services, and the California Department of Aging pursuant to an interagency agreement . Existing law provides that a negligent, repeated, or willful violation of a provision of the California Adult Day Health Care Act is a misdemeanor . This bill would require an adult day health care center to have a prescribed program plan, as defined. This bill would provide the minimum staffing requirements for an adult day health care center. This bill contains other related provisions and other existing laws.

Position

AB 889

(Ammiano D) Domestic work employees.

Introduced: 2/17/2011

Last Amend: 7/12/2011

Status: 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/16/2011)

Location: 8/26/2011-S. 2 YEAR

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Existing law regulates the wages, hours, and working conditions of any man, woman, and minor employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except for individuals employed as outside salesmen and individuals participating in specified national service programs. Under existing law, the Industrial Welfare Commission within

the Department of Industrial Relations is authorized to adopt rules, regulations, and orders to ensure that employers comply with those provisions of law. This bill would specially regulate the wages, hours, and working conditions of domestic work employees, as defined. Specifically, this bill would, among other things, provide a private right of action for a domestic work employee when those regulations are violated by his or her employer and provide an overtime compensation rate for domestic work employees. This bill would also expressly state that the provisions of Wage Order Number 15 of the Industrial Welfare Commission, with specified exceptions, apply to a domestic work employee, but would provide that these new domestic work provisions shall prevail over protections in that order or any other law that afford less protection to a domestic work employee. This bill contains other related provisions and other existing laws.

Position

Oppose

AB 1224 (Committee on Veterans Affairs) Veterans: veterans' farm and home purchases.

Introduced: 2/18/2011

Last Amend: 5/1/2012

Status: 5/1/2012-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on L. & I.R.

Location: 5/1/2012-S. L. & I.R.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The Veterans' Farm and Home Purchase Act of 1974 authorizes the Department of Veterans Affairs to assist veterans in acquiring homes and farms, including cooperative dwelling units, by generally providing that the department may purchase a farm or home that the department then sells to a purchaser, as defined. This bill would authorize the Department of Veterans Affairs to adopt regulations to implement the act described above for cooperative dwelling units in accordance with the Administrative Procedure Act. The bill would also revise provisions relating to forfeiture and the calculation of net gain in connection with the sale of a cooperative dwelling units. This bill contains other related provisions and other existing laws.

Position

Support

AB 1244 (Chesbro D) Developmental services: Self-Determination Program.

Introduced: 2/18/2011

Last Amend: 7/5/2011

Status: 7/8/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was HUM. S. on 7/5/2011)

Location: 7/8/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services and supports for individuals with developmental disabilities through approved service providers or arrange for their provision through other publicly funded agencies. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. Existing law establishes, contingent upon approval of a federal waiver, the Self-Directed Services Program, and requires the program to be available in every regional center catchment area to provide participants, within an individual budget, greater control over needed services and supports. This bill would repeal the provisions establishing the Self-Directed Services Program and would, instead, contingent upon approval of federal Medicaid matching funding, establish the Self-Determination Program to be available in every regional center catchment area to enable individuals with developmental disabilities to exercise their rights to make choices in their own lives, and would make conforming changes. This bill would require that program participants be provided with a capitated individual funding allocation, as prescribed, to be used for the purchase of services and supports necessary to implement the participant's individual program plan. This bill would require the department to establish a risk pool fund to meet the unanticipated needs of participants in the program. This bill would require the department to take all steps necessary to ensure federal financial participation is available for all program services and supports by applying for amendments to a specified federal waiver or by applying for a new waiver.

Position

support with
Amendments

AB 1435 (Dickinson D) Child abuse reporting: athletic personnel.

Introduced: 1/4/2012

Last Amend: 3/21/2012

Status: 3/28/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 3/28/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Summary: Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. This bill would add athletic coaches, athletic administrators, and athletic directors employed by a public or private organization to the list of individuals who are mandated reporters. The bill would require any public or private organization employing an athletic coach, athletic administrator, or athletic director to have provided initial training, by January 1, 2014, on specified matters relating to child abuse and neglect for those employees. On and after January 1, 2014, the bill would require initial training to be provided within 6 months of the date an individual becomes employed in that capacity. The bill would require these individuals to complete continuing training every 2 years. This bill contains other related provisions and other existing laws.

Position

AB 1438 (Bradford D) Child abuse reporting.

Introduced: 1/4/2012

Last Amend: 3/8/2012

Status: 4/19/2012-Referred to Com. on PUB. S.

Location: 4/19/2012-S. PUB. S.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Summary: Existing law generally requires a person who reasonably believes that he or she has observed the commission of a lewd or lascivious act on a child who is under 14 years of age by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury to notify a peace officer. A failure to report pursuant to those provisions is a misdemeanor punishable by a fine of not more than \$1,500, by imprisonment in a county jail for not more than six months, or by both that fine and imprisonment. This bill would require a person to notify a peace officer when the person believes that he or she has observed the commission of a lewd and lascivious act on a child under 14 years of age, regardless of whether force, violence, duress, menace, or fear of immediate and lawful bodily injury is used. By expanding the scope of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

AB 1448 (Furutani D) Home-to-school transportation: funding.

Introduced: 1/4/2012

Last Amend: 3/19/2012

Status: 5/2/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/2/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Summary: Existing law authorizes school district governing boards to provide for the transportation of pupils to and from school whenever, in the judgment of the governing board, the transportation is advisable and reasons exist therefor. Existing law also authorizes school district governing boards to purchase or rent and provide for the upkeep, care, and operation of vehicles, or contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or contract with and pay responsible private parties for the transportation. This bill would , commencing with the 2012-13 fiscal year and each fiscal year thereafter, prohibit the Legislature from reducing funding for home-to-school transportation below the amount established in the Budget Act of 2011. The bill would also express legislative findings and declarations relating to the provision of home-to-school transportation by school districts , and would express legislative intent to fund home-to-school transportation at the level approved in the Budget Act of 2011.

Position

Watch

AB 1452 (Hill D) Vehicles: child passenger restraints.

Introduced: 1/5/2012

Status: 4/19/2012-Referred to Com. on T. & H.

Location: 4/19/2012-S. T. & H.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law requires a public or private hospital, clinic, or birthing center, at the time of discharge of a child, to provide and discuss information on the current law requiring child passenger restraint systems, safety belts, and the transportation of children in rear seats to the parents or the person to whom the child is released if the child is under 8 years of age, but specifies that a public or private hospital, clinic, or birthing center shall not be responsible for the failure of the parent or person to whom the child is released to properly transport the child. This bill would require a public or private hospital, clinic, or birthing center, at the time a child under 8 years of age is discharged, to also provide and discuss contact information relating to obtaining, at no cost or low cost, information and assistance relating to child passenger restraint system requirements, installation, and inspection, including, among other things, the telephone number of the local office of the Department of the California Highway Patrol. Because this bill would expand the definition of an existing crime, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

AB 1453 (Monning D) Essential health benefits.

Introduced: 1/5/2012

Last Amend: 4/17/2012

Status: 5/10/2012-Read second time. Ordered to third reading.

Location: 5/10/2012-A. THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Commencing January 1, 2014, existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires a health insurance issuer that offers coverage in the small group or individual market to ensure that such coverage includes the essential health benefits package, as defined. PPACA requires each state to, by January 1, 2014, establish an American Health Benefit Exchange that facilitates the purchase of qualified health plans by qualified individuals and qualified small employers. PPACA defines a qualified health plan as a plan that, among other requirements, provides the essential health benefits package. Existing state law creates the California Health Benefit Exchange (the Exchange) to facilitate the purchase of qualified health plans by qualified individuals and qualified small employers by January 1, 2014. This bill would require an individual or small group health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2014, to cover essential health benefits, which would be defined to include the benefits and services covered by particular plans. The bill would specify that this provision applies regardless of whether the contract or policy is offered inside or outside the Exchange but would provide that it does not apply to grandfathered plans or plans that offer excepted benefits, as specified. The bill would prohibit a health care service plan or health insurer, when offering, issuing, selling, or marketing a plan contract or policy, from indicating or implying that the contract or policy covers essential health benefits unless the contract or policy covers essential health benefits as provided in the bill. This bill contains other related provisions and other existing laws.

Position

AB 1463 (Blumenfield D) 2012-13 Budget.

Introduced: 1/10/2012

Status: 3/12/2012-Referred to Com. on BUDGET.

Location: 3/12/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would make appropriations for support of state government for the 2012-13 fiscal year. This bill contains other related provisions.

Position

Watch

AB 1464 (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to

the Budget Act of 2012.

Position

Watch

[AB 1465](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1466](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1467](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1468](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1469](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1470](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1471](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1472](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1473](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1474](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1475](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

AB 1476 (Committee on Budget) Budget Act of 2012.**Introduced:** 1/10/2012**Status:** 4/19/2012-Referred to Com. on RLS.**Location:** 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

AB 1477 (Committee on Budget) Budget Act of 2012.**Introduced:** 1/10/2012**Status:** 4/19/2012-Referred to Com. on RLS.**Location:** 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

AB 1478 (Committee on Budget) Budget Act of 2012.**Introduced:** 1/10/2012**Status:** 4/19/2012-Referred to Com. on RLS.**Location:** 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

AB 1479 (Committee on Budget) Budget Act of 2012.**Introduced:** 1/10/2012**Status:** 4/19/2012-Referred to Com. on RLS.**Location:** 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

AB 1480 (Committee on Budget) Budget Act of 2012.**Introduced:** 1/10/2012**Status:** 4/19/2012-Referred to Com. on RLS.**Location:** 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

AB 1481 (Committee on Budget) Budget Act of 2012.**Introduced:** 1/10/2012**Status:** 4/19/2012-Referred to Com. on RLS.**Location:** 4/19/2012-S. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1482](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1483](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1484](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1485](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1486](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1487](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House					2nd House						

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1488](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House					2nd House						

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1489](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House					2nd House						

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1490](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House					2nd House						

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1491](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House					2nd House						

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1492](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House					2nd House						

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1493](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1494](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1495](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1496](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1497](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

[AB 1498](#) (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
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Dead	1st House	2nd House	Conc.			
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Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

AB 1499 (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 4/19/2012-Referred to Com. on RLS.

Location: 4/19/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
									Conc.			
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

AB 1502 (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 3/26/2012-Referred to Com. on B. & F.R.

Location: 3/26/2012-S. BUDGET & F.R.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
									Conc.			
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

AB 1503 (Committee on Budget) Budget Act of 2012.

Introduced: 1/10/2012

Status: 3/26/2012-Referred to Com. on B. & F.R.

Location: 3/26/2012-S. BUDGET & F.R.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
									Conc.			
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

Watch

AB 1512 (Garrick R) Medi-Cal.

Introduced: 1/12/2012

Status: 1/13/2012-From printer. May be heard in committee February 12.

Location: 1/12/2012-A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
									Conc.			
	1st House				2nd House							

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services under which qualified low-income individuals receive health care benefits. Under existing law, the Director of Health Care Services is required to enter into contracts with managed care plans to provide services under the Medi-Cal program. A Medi-Cal participant is given 30 days following the determination of eligibility to indicate his or her choice of health care options. Under existing law, in counties where the conversion to managed care plan enrollment has occurred, and where the default rate, as defined, is 20% or higher in 2 consecutive months occurring after the conversion, the department is required to conduct a survey of beneficiaries, as specified, and to report the results to the appropriate legislative policy and budget committees. This bill would make technical, nonsubstantive changes to the survey and reporting provisions.

Position

AB 1525 (Allen D) Elder or dependent adult financial abuse: mandated reporters.

Introduced: 1/19/2012

Last Amend: 3/22/2012

Status: 5/10/2012-Read second time. Ordered to third reading.

Location: 5/10/2012-A. THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Existing law requires a mandated reporter of suspected financial abuse of an elder or dependent adult to report the known or suspected instance of financial abuse to specified entities. Existing law defines a mandated reporter for these purposes as an employee or officer of a financial institution, as defined. Existing law imposes civil penalties for the failure to report financial abuse, and requires these civil penalties to be recovered in a civil action brought against the financial institution by the Attorney General, district attorney, or county counsel. This bill would include a person or entity engaged in money transmission, as defined, in the definition of a mandated reporter of suspected financial abuse of an elder or dependent adult. This bill contains other related provisions.

Position

support with
Amendments

AB 1553 (Monning D) Medi-Cal: managed care: exemption from plan enrollment.

Introduced: 1/26/2012

Last Amend: 4/16/2012

Status: 5/9/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/9/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. One of the methods by which these services are provided is pursuant to contracts with various types of managed care plans. This bill would establish a process that would permit an eligible Medi-Cal beneficiary to receive fee-for-service Medi-Cal, if available, as an alternative to plan enrollment if the beneficiary meets specified criteria. This bill would provide that these provisions shall not apply to a beneficiary who is enrolled in a county organized health system. This bill would require the department to develop a process to track a beneficiary who has been denied a request for exemption from plan enrollment and to notify the plan, if applicable, of the denial, including information identifying the provider.

Position

Support

AB 1554 (Jeffries R) Developmental services: regional centers.

Introduced: 1/26/2012

Last Amend: 3/8/2012

Status: 3/28/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 3/28/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. Existing law requires a regional center to include specified information on its Internet Web site for the purpose of promoting transparency and access to public information that includes specified information. This bill would add prescribed information to this requirement.

Position

Support if
Amended

AB 1564 (Lara D) Child abuse reporting: mandated reporters: tax-exempt organizations.

Introduced: 1/30/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. PUB. S. on 2/9/2012)

Location: 4/27/2012-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. Existing law excludes volunteers of public or private organizations

whose duties require direct contact with and supervision of children from the list of mandated reporters. Existing law also strongly encourages employers to provide training in child abuse and neglect identification and reporting to their employees who are mandated reporters, and encourages public and private organizations to provide their volunteers whose duties require direct contact with and supervision of children with training in child abuse and neglect identification and reporting. This bill would include volunteers of public or private organizations, including nonprofit organizations, whose duties require direct contact with and supervision of children in the list of individuals who are mandated reporters. The bill would also require employers to provide training in child abuse and neglect identification and reporting to their employees and volunteers who are mandated reporters. This bill contains other related provisions and other existing laws.

Position

AB 1580 (Bonilla D) Health care: eligibility: enrollment.

Introduced: 2/2/2012

Status: 4/26/2012-Referred to Com. on RLS.

Location: 4/26/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for various programs to provide health care coverage to persons with limited financial resources, including the Medi-Cal program and the Healthy Families Program. Existing law establishes the California Health Benefit Exchange (Exchange), pursuant to the federal Patient Protection and Affordable Care Act (PPACA), and specifies the duties and powers of the board governing the Exchange relative to determining eligibility for enrollment in the Exchange and arranging for coverage under qualified health plans, and facilitating the purchase of qualified health plans through the Exchange. Existing law, the Health Care Reform Eligibility, Enrollment, and Retention Planning Act, operative as provided, requires the California Health and Human Services Agency, in consultation with specified entities, to establish standardized single, accessible application forms and related renewal procedures for state health subsidy programs, as defined, in accordance with specified requirements. Existing law provides that the application or case of an individual screened as not eligible for Medi-Cal on the basis of household income but who may be eligible for Medi-Cal on another basis shall be forwarded to the Medi-Cal program for an eligibility determination. This bill would make technical and clarifying changes to these provisions.

Position

AB 1610 (Wagner R) Special access: liability.

Introduced: 2/7/2012

Status: 4/24/2012-In committee: Hearing postponed by committee. (Refers to 4/24/2012 hearing)

Location: 2/23/2012-A. JUD.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a business for an alleged violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred. The bill would require that owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. If that owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 120 days to do so. The bill would provide that its provisions do not apply to claims for recovery of special damages for an injury in fact, and would authorize the court to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury. The bill would further state the intent of the Legislature to institute certain educational programs related to special access laws.

Position

AB 1628 (Beall D) Child abuse.

Introduced: 2/9/2012

Last Amend: 5/1/2012

Status: 5/2/2012-Re-referred to Com. on APPR.

Location: 5/2/2012-A. APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law generally requires an action for recovery of damages against a person suffered as a result of childhood sexual abuse to be commenced within 8 years of the date the plaintiff attains the age of majority or within 3 years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual abuse, whichever occurs later. Under existing law, certain actions may not be brought against a person or entity on or after the plaintiff's 26th birthday. This bill would instead provide that any of those actions may be commenced until the plaintiff attains the age of 35 or within 3 years of the date the plaintiff discovers or reasonably should have discovered the psychological injury or illness after the age of majority was caused by the sexual abuse, whichever occurs later, and would delete the provisions prohibiting certain actions from being brought on or after the plaintiff's 26th birthday. This bill contains other related provisions and other existing laws.

Position

AB 1629 (Halderman R) Medi-Cal: provisional provider status: medically underserved areas.

Introduced: 2/9/2012

Last Amend: 3/29/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HEALTH on 4/9/2012)

Location: 4/27/2012-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law requires applicants and providers, as defined, to submit a complete application package for enrollment, continuing enrollment, or enrollment at a new location or a change in location and requires the application form for enrollment, the provider agreement, and all attachments or changes to be signed under penalty of perjury. Existing law requires the department to grant provisional provider status to applicants and providers, as specified, and requires the department to grant preferred provisional provider status to an applicant or provider who meets specified criteria. This bill would require the department to grant provisional provider status to an applicant or provider who meets specified criteria as a provider practicing in a medically underserved area. This bill would provide, to the extent permitted by federal law, that an applicant or provider granted provisional provider status as a provider serving a medically underserved area whose application is ultimately denied, or whose provisional provider status is terminated, shall not be required to reimburse the department for Medi-Cal funds received during the provisional provider period.

Position

AB 1639 (Hill D) Retirement: public employees.

Introduced: 2/13/2012

Status: 4/26/2012-From committee: That the measure be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study. (Ayes 4. Noes 2.) (April 26).

Location: 4/26/2012-A. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law establishes the Public Employees' Retirement System and the State Teachers' Retirement System for the purpose of providing pension benefits to their members. Existing law also establishes the Judges' Retirement System II, which provides pension benefits to elected judges and the Legislators' Retirement System, which provides pension benefits to elective officers of the state other than judges and to legislative statutory officers. The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county, city, and district employees. This bill would specify that, in addition to any other benefit limitations prescribed by law, for the purposes of determining a retirement benefit paid to a person who first becomes a member of a public retirement system on or after January 1, 2013, to the extent that the benefits payable under the system are subject to the compensation limits prescribed by a specified provision of the Internal Revenue Code, the maximum salary, compensation, or payrate taken into account under the plan for any year shall not exceed the amount permitted to be taken into account under that provision of federal law. The bill would also prohibit a public employer from making contributions to any qualified public retirement plan based on any portion of compensation that exceeds the amount specified in that federal provision.

Position

AB 1641 (Lowenthal, Bonnie D) Health care coverage: durable medical equipment.**Introduced:** 2/13/2012**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HEALTH on 2/23/2012)**Location:** 4/27/2012-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, health care service plans and health insurers are required to offer specified types of coverage as part of their group plan contracts or group policies. This bill would require a health care service plan and a health insurer to provide coverage for durable medical equipment, as defined, as part of their plan contracts or health insurance policies. This bill contains other related provisions and other existing laws.

Position**AB 1649 (Smyth R) Public employees' retirement: felony forfeiture.****Introduced:** 2/13/2012**Last Amend:** 3/29/2012

Status: 4/26/2012-From committee: That the measure be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study. (Ayes 4. Noes 2.) (April 26).

Location: 4/26/2012-A. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides that any elected public officer who takes public office, or is reelected to public office, on or after January 1, 2006, who is convicted of any specified felony arising directly out of his or her official duties, forfeits all rights and benefits under, and membership in, any public retirement system in which he or she is a member, effective on the date of final conviction, as specified. This bill would require that a public employee, as defined, who is convicted of any violent felony, serious felony, or a sex offense, as defined, for conduct arising out of, or in the performance of, his or her official duties in pursuit of the office or appointment, or in connection with obtaining salary, disability retirement, service retirement, or other benefits, forfeit retirement benefits attributable to service performed on and after the earliest date of the commission of the felony, as specified. The bill would also require any contributions to the public retirement system made by the public employee on or after that date to be returned, without interest, to the public employee upon the occurrence of a distribution event, as defined, unless otherwise ordered by a court or determined by the pension administrator. The bill would also make related, conforming changes.

Position**AB 1653 (Cook R) Public employees: pensions: forfeiture.****Introduced:** 2/13/2012**Last Amend:** 4/9/2012

Status: 4/26/2012-From committee: That the measure be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study. (Ayes 4. Noes 2.) (April 26).

Location: 4/26/2012-A. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides that any elected public officer who takes public office, or is reelected to public office, on or after January 1, 2006, who is convicted of any specified felony arising directly out of his or her official duties, forfeits all rights and benefits under, and membership in, any public retirement system in which he or she is a member, effective on the date of final conviction, as specified. This bill would require any person employed at-will for the purposes of providing services to an elected public officer who takes public office, or is reelected to public office, on or after January 1, 2013, who is convicted of any specified felony arising directly out of his or her official duties, to forfeit all rights and benefits under, and membership in, any public retirement system in which he or she is a member, effective on the date of final conviction, as specified.

Position

AB 1654 (Cook R) Public employment: disqualification from employment.**Introduced:** 2/13/2012**Last Amend:** 5/7/2012**Status:** 5/7/2012-Read third time and amended. Ordered to third reading.**Location:** 5/7/2012-A. THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The California Constitution provides that a person shall be disqualified from holding office if he or she has been convicted of bribery, and directs the Legislature to enact laws to exclude persons convicted of malfeasance in office or other high crimes from office. Under existing statutory law, a person is disqualified from holding any office upon the conviction of specified crimes designated in the Constitution or statute. Existing law enumerates events causing a vacancy in office, including the conviction of a felony or any offense involving a violation of official duties. This bill would disqualify for 5 years a person who employed at will for the purposes of providing services to an elected public officer from any public employment, including, but not limited to, employment with a city, county, district, or any other public agency of this state, if he or she is convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes arising directly out of his or her duties as a public employee. That 5- year disqualification period would begin at the later of either the person's final conviction or release from any incarceration.

Position**AB 1655 (Dickinson D) Public employees: rights.****Introduced:** 2/13/2012**Last Amend:** 3/20/2012**Status:** 4/18/2012-In committee: Set, first hearing. Referred to APPR. suspense file.**Location:** 4/18/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The existing Bill of Rights for State Excluded Employees prescribes various rights and terms and conditions of employment for excluded employees, defined as certain supervisory, managerial, and confidential state employees. This bill would enact the Public Employees' Bill of Rights Act that would apply to state employees other than excluded employees. The stated purpose of this act would be to inform public employees of their rights and terms of employment in order to promote harmonious personnel relations between public employees and their employers. This bill would, among other things, provide that state employees shall be entitled to priority over contractors in filling permanent, overtime, and on-call positions. This bill would also prescribe certain rights for employees who are required to maintain a professional license and would authorize the formation of a peer review committee for those licensed professionals, if there are no management or supervisory professional staff employed by the employer, to provide input regarding workplace operations. This bill contains other related provisions and other existing laws.

Position**AB 1657 (Wieckowski D) Traffic offenses: additional penalty: spinal cord injury research.****Introduced:** 2/13/2012**Last Amend:** 3/22/2012**Status:** 5/9/2012-In committee: Set, first hearing. Referred to APPR. suspense file.**Location:** 5/9/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law requires that all fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court be deposited with the county treasurer, to be distributed monthly, as required by law. Existing law authorizes the University of California to establish a spinal cord injury research fund, independent of the State Treasury, to accept public and private funds for spinal cord injury research programs and grants. This bill would impose an additional penalty of \$1 to be imposed upon every conviction for a violation of state or local traffic laws, except for offenses relating to parking. The bill would require the penalty to be deposited with the county treasurer who would transfer the moneys to the State Treasurer, to be made available, upon appropriation by the Legislature, for allocation to the Roman Reed Spinal Cord Injury Penalty Account, which the bill would authorize the University of California to establish in the Roman Reed Spinal Cord Injury Research Fund. Because the bill would require the county treasurer to perform additional duties, this bill would impose a state-mandated local program. The bill would also provide that, prior to the transfer of funds to the State Treasurer, the county treasurer may withhold a sufficient amount necessary to reimburse the county and the courts for their actual, reasonable, and necessary costs.

associated with administering these provisions. If those amounts are withheld, the bill would authorize the county to send an accounting report detailing its costs to the Regents of the University of California. This bill contains other related provisions and other existing laws.

Position

AB 1690 (Nestande R) State Budget: key liabilities.

Introduced: 2/15/2012

Last Amend: 3/29/2012

Status: 5/3/2012-Joint Rule 62(a), file notice suspended. (Page 4666.)

Location: 4/9/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Under existing law, various duties and responsibilities are imposed upon the Governor and the Department of Finance in connection with the preparation and submission of the annual State Budget to the Legislature at each regular session thereof, including, among other things, the requirement to include a complete plan of all proposed expenditures and estimated revenues for the ensuing fiscal year. This bill additionally would require the Governor, or the Department of Finance acting on his or her behalf, at the same time as the Governor's Budget is submitted to the Legislature, to submit specified information to the Legislature, including a list of the state's key liabilities relating to debt, infrastructure, retirement, and other liabilities that will affect the state's financial health in the future. This bill contains other related provisions.

Position

AB 1697 (Perea D) Foster youth: placement.

Introduced: 2/15/2012

Last Amend: 3/29/2012

Status: 5/9/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/9/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law requires the State Department of Social Services to implement a statewide Child Welfare Services Case Management System to protect children and effectively administer and evaluate the state's child welfare services and foster care programs. Existing law requires the department to provide technical assistance to encourage and facilitate a county placement agency's evaluation of placement needs . This bill would require the State Department of Social Services to designate a separate, consistent data entry field in the Child Welfare Services Case Management System for a county welfare agency to record information regarding the reasons for the placement of a child when the child is placed with a foster family agency or group home. It would also require a county welfare agency to file this information with the system when this placement is made. By increasing the duties of local officials, this bill would impose a state- mandated local program . This bill contains other related provisions and other existing laws.

Position

AB 1705 (Silva R) Pupil assessment: high school exit examination: eligible pupils with disabilities.

Introduced: 2/15/2012

Last Amend: 4/26/2012

Status: 4/30/2012-Re-referred to Com. on APPR.

Location: 4/30/2012-A. APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law requires each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law requires by October 1, 2010, that the State Board of Education, taking into consideration specified findings and recommendations, adopt regulations for alternative means by which eligible pupils with disabilities, as defined, may demonstrate that they have achieved the same level of academic achievement in the content standards required for passage of the high school exit examination. This bill would instead define an eligible pupil with a disability as a pupil who has, among other things, an anticipated graduation date and is scheduled to receive a high school diploma on or after July 1, 2015, and the school district or state special school certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after July 1, 2015. The bill would instead (1) authorize an eligible pupil with a disability, commencing July 1, 2015, to participate in the alternative means of demonstrating the level of academic achievement in

the content standards required for passage of the high school exit examination in the manner prescribed by the regulations adopted by the state board , and (2) authorize the state board, by regulation, to extend the July 1, 2015, date by up to one year, as specified . The bill would also make conforming and nonsubstantive changes. This bill contains other existing laws.

Position

AB 1707 (Ammiano D) Child Abuse Central Index.

Introduced: 2/15/2012

Last Amend: 3/13/2012

Status: 4/19/2012-Read second time. Ordered to third reading.

Location: 4/19/2012-A. THIRD READING

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law designates certain individuals, such as teachers, peace officers, physicians, and clergy members, among others, as mandated reporters and requires them to report suspected child abuse or neglect to certain specified agencies whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Existing law requires agencies receiving reports from mandated reporters to forward a report to the Department of Justice in writing of every case it investigates of known or suspected child abuse or severe neglect that is determined to be substantiated. Existing law requires an agency receiving reports from mandated reporters to notify, in writing, the known or suspected child abuser that he or she has been reported to the Child Abuse Central Index (CACI) whenever that agency forwards a report in writing to the Department of Justice. This bill would, if the known or suspected child abuser is either a minor or a nonminor dependant under the jurisdiction of the juvenile court , require the agency to additionally notify the minor's attorney, if any . Because this bill would require a local agency to provide additional notification, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

AB 1714 (Halderman R) In-home supportive services: providers.

Introduced: 2/16/2012

Last Amend: 3/27/2012

Status: 4/19/2012-Read second time. Ordered to third reading.

Location: 4/19/2012-A. THIRD READING

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law prohibits a new applicant or an applicant whose application has been denied on the basis of a conviction and for whom an appeal of that denial is pending from providing supportive services if he or she has been convicted of specified crimes in the previous 10 years. Existing law requires the State Department of Social Services and the State Department of Health Care Services to develop a provider enrollment form that each person seeking to provide supportive services must complete, sign under penalty of perjury , and submit to the county, containing designated statements relating to the provider's criminal history. Existing law authorizes a recipient of services who wishes to employ a provider applicant who has been convicted of a specified offense to submit to the county a prescribed individual waiver, signed by the recipient, or by the recipient's authorized representative . This bill would add the felony offenses of forgery, embezzlement, extortion, and identity theft to the list of criminal convictions that would preclude an applicant from providing supportive services. The bill would require the State Department of Social Services to revise the provider enrollment form to account for these additional criminal exclusions. By changing the definition of the crime of perjury, and by increasing the duties of counties in administering the In-Home Supportive Services program, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

AB 1729 (Ammiano D) Pupil rights: suspension or expulsion.

Introduced: 2/16/2012

Last Amend: 5/7/2012

Status: 5/8/2012-Re-referred to Com. on APPR.

Location: 5/8/2012-A. APPR.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered

Dead	1st House	2nd House	Conc.			
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Summary: Existing law provides that a pupil shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed a specified act. Existing law also authorizes a superintendent of the school district or principal to use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this provision. This bill would instead authorize a superintendent of the school district or principal of the school to use alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior, as specified. This bill contains other related provisions and other existing laws.

Position

AB 1731 (Block D) Newborn screening program: critical congenital heart disease.

Introduced: 2/16/2012

Last Amend: 4/24/2012

Status: 5/2/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/2/2012-A. APPR. SUSPENSE FILE

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Existing law provides for the Newborn and Infant Hearing Screening, Tracking, and Intervention program, under which general acute care hospitals with licensed perinatal services, as specified, are required to administer to newborns a hearing screening test for the identification of hearing loss, as prescribed, using protocols developed by the State Department of Health Care Services, or its designee. This bill would require general acute care hospitals with licensed perinatal services to offer to parents of a newborn, prior to discharge, a pulse oximetry test for the identification of critical congenital heart disease (CCHD), using protocols approved by the department or its designee, as specified. This bill would require the department to phase in implementation of a comprehensive CCHD screening program on or after July 1, 2013, and require 100% participation by these hospitals by December 31, 2016. This bill would require these hospitals to develop a CCHD screening program, as prescribed.

Position

AB 1733 (Logue R) Telehealth.

Introduced: 2/16/2012

Last Amend: 4/26/2012

Status: 5/10/2012-Read second time. Ordered to consent calendar.

Location: 5/10/2012-A. CONSENT CALENDAR

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law prohibits a health care service plan from requiring in-person contact between a health care provider and a patient before payment is made for covered services appropriately provided through telehealth, as specified. Existing law specifies that this requirement applies to certain Medi-Cal managed care plans, including county organized health systems and entities contracting with the department to provide services pursuant to 2-plan models and geographic managed care. This bill would specify that the prohibition on requiring in-person contact also applies to other health care service plan contracts with the State Department of Health Care Services for services under the Medi-Cal program, and publicly supported programs other than Medi-Cal, as well as to the organizations implementing the PACE program. By expanding the scope of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

AB 1787 (Portantino D) State employment: salary freeze.

Introduced: 2/21/2012

Last Amend: 3/21/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. P.E.,R. & S.S. on 4/26/2012)

Location: 4/27/2012-A. DEAD

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Existing law requires the Department of Personnel Administration to establish and adjust salary ranges for each class of position in the state civil service, subject to specified merit limits and except as specified. Existing law requires the salary range to be based on the principle that like salaries shall be paid for comparable duties and responsibilities. Existing law allows the state to enter into memoranda of understanding relating to employer-employee relations with employee organizations representing certain state employees. This bill would, until January 1, 2015, prohibit a person employed by the state whose base salary on or after the effective date of the bill is greater than \$100,000 per year from receiving a salary increase while employed in the same position or classification. The bill would exempt from this prohibition a person whose compensation is governed by an operative memorandum of understanding, as described above, a person who has been exempted by executive order of the Governor, as specified, or a person whose salary is set pursuant to the California Constitution. The bill would require that an amount equal to the savings to a state agency from not paying a salary increase pursuant to these provisions be credited each fiscal year to the General Fund and, upon appropriation by the Legislature, those moneys would be available for expenditure in connection with administering the AIDS Drug Assistance Program (ADAP) within the Office of AIDS in the State Department of Public Health. The bill would also authorize the Controller to reject a request for disbursement of funds that violates these provisions. The bill would make related legislative findings and declarations regarding the state budget deficit.

Position

AB 1803 (Mitchell D) Medi-Cal: emergency medical conditions.

Introduced: 2/21/2012

Last Amend: 4/23/2012

Status: 5/10/2012-Read second time. Ordered to third reading.

Location: 5/10/2012-A. THIRD READING

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides for a schedule of benefits under the Medi-Cal program, which includes inpatient hospital services subject to utilization controls. Existing federal law requires a hospital to provide appropriate medical screening or treatment to determine whether an emergency medical condition exists if any individual comes to the emergency department and requires an examination or treatment for a medical condition, as specified. This bill would, for Medi-Cal fee-for-services beneficiaries, add emergency services and care that are necessary for the treatment of an emergency medical condition and medical care directly related to the emergency medical condition, as defined, to the schedule of benefits. This bill would provide that this provision shall not be construed to change the obligation of Medi-Cal managed care plans to provide emergency services and care.

Position

AB 1817 (Atkins D) Child abuse reporting.

Introduced: 2/21/2012

Last Amend: 5/7/2012

Status: 5/10/2012-Read second time. Ordered to third reading.

Location: 5/10/2012-A. THIRD READING

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. This bill would expand this category of persons specified on the list of mandated reporters to include a commercial film, photographic print, or image processor, and would also add to the list any commercial computer technician, as defined. As pertains to commercial film, photographic print, or image processors, the bill would expand the above provisions to apply to any representation of information, data, or an image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium depicting a child under 16 years of age engaged in an act of sexual conduct, as provided. The bill would also make these provisions apply to a commercial computer technician. The bill would provide that an employer who provides an electronic communications service or a remote computing service to the public would comply with this article by complying with a specified provision of existing federal law. This bill contains other related provisions and other existing laws.

Position

AB 1841 (Silva R) In-home supportive services providers: criminal exclusions.**Introduced:** 2/22/2012**Status:** 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HUM. S. on 4/11/2012)**Location:** 4/27/2012-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law prohibits a person from providing supportive services if he or she has been convicted of specified crimes in the previous 10 years, unless the information or accusation against the person has been dismissed, or he or she has obtained a certificate of rehabilitation, as specified. In addition, existing law authorizes a recipient of services who wishes to employ a provider applicant who has been convicted of a specified offense to submit to the county a prescribed individual waiver, signed by the recipient, or by the recipient's authorized representative, and returned to the county welfare department. Existing law also permits a provider applicant who has been convicted of a specified offense to request from the State Department of Social Services a general exception from exclusion as a potential provider. This bill would delete the authority of a recipient to submit a waiver for the purpose of employing a person who has been convicted of one of the specified crimes as the recipient's IHSS provider.

Position**AB 1878 (Gaines, Beth R) Disability access: liability.****Introduced:** 2/22/2012**Last Amend:** 4/24/2012**Status:** 5/8/2012-In committee: Set, first hearing. Failed passage.**Location:** 5/8/2012-A. JUD.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities. This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a microbusiness, as defined, for an alleged violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred. Further, this bill would require the owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations. If the owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 120 days to apply for any necessary permits and to remedy the alleged violation. The provisions of the bill would not apply to claims for recovery of special damages for an injury in fact, and the bill would require a court or jury to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury.

Position**AB 1923 (Mendoza D) Special education: staff development.****Introduced:** 2/22/2012**Status:** 2/23/2012-From printer. May be heard in committee March 24.**Location:** 2/22/2012-A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law requires the Superintendent of Public Instruction, to the extent possible using federal and state funds appropriated for this purpose, to provide staff development to child care center staff and family day care providers to improve child care services to individuals with exceptional needs. This bill would make a nonsubstantive change to this provision.

Position**AB 1994 (Huber D) Disability access: causes of action.****Introduced:** 2/23/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. JUD. on 3/8/2012)

Location: 4/27/2012-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. This bill would require every county to establish a program that requires an alleged aggrieved party under the state access laws to file a complaint with the county planning department in which an alleged violation occurred. The bill would require the county planning department to refer every complaint received under this act to a certified access specialist to determine what measures are necessary to remedy the alleged violation and the estimated timeframe for remedy. The bill would require the adoption of a compliance schedule and require issuance of building permits to the owner, agent, or responsible party of the alleged violation. The bill would require all complaints to be subject to the compliance schedule prior to a cause of action being filed. The bill would authorize the county to charge a fee to the owner, agent, or responsible party of the alleged violation for the costs of the program and the compliance schedule. This bill contains other related provisions and other existing laws.

Position

AB 1997 (Huber D) Guardianships and conservatorships: appointment of counsel.

Introduced: 2/23/2012

Status: 5/8/2012-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 3/8/2012-A. JUD.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Existing law authorizes a court to appoint private legal counsel for a ward, a proposed ward, a conservatee, or a proposed conservatee in specified guardianship, conservatorship, and other protective proceedings if the court determines the person is not otherwise represented by legal counsel and that the appointment would be helpful to the resolution of the matter or is necessary to protect the person's interests. This bill would additionally provide that, notwithstanding the fact that the ward, proposed ward, conservatee, or proposed conservatee may also be represented by other legal counsel, the court may appoint private legal counsel if the court determines that the ward, proposed ward, conservatee, or proposed conservatee has not competently retained independent counsel for the proceeding. The bill would provide that the court's determination in this matter is not admissible for any other purposes in any other proceeding.

Position

AB 2002 (Cedillo D) Medi-Cal: managed care plan assignment: safety net provider.

Introduced: 2/23/2012

Last Amend: 4/30/2012

Status: 5/1/2012-Re-referred to Com. on APPR.

Location: 5/1/2012-A. APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. One of the methods by which these services are provided is pursuant to contracts with various types of managed care plans. Existing law requires, with certain exceptions, that under certain models of Medi-Cal managed care, a Medi-Cal beneficiary be assigned to, and enrolled in, an appropriate health care plan providing services within the area in which the beneficiary resides if the beneficiary does not make a choice of managed care plans. Existing regulations define the term safety net provider for the purposes of the 2-plan model of Medi-Cal managed care. This bill, for the purposes of assigning an eligible Medi-Cal beneficiary to a managed care plan when the beneficiary fails to select a plan, would provide that the term safety net provider includes specified types of clinics and medical care providers.

Position

AB 2034 (Fuentes D) Medical care: genetically handicapping conditions.

Introduced: 2/23/2012

Last Amend: 3/29/2012

Status: 4/18/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/18/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law, the Holden-Moscone-Garamendi Genetically Handicapped Person's Program (GHPP) , requires the Director of Health Care Services to establish and administer a program for the medical care of persons with specified genetically handicapping conditions and for persons with specified hereditary metabolic disorders. This bill would require the State Department of Health Care Services, in consultation with designated entities, to develop a plan for the administration of the GHPP after the implementation of the PPACA. This bill would require the plan to address, among other things, preservation of the availability of wrap-around services that would otherwise not be available through the PPACA and the addition of genetic amyotrophic lateral sclerosis to the list of conditions covered under the GHPP . This bill contains other existing laws.

Position

AB 2041 (Swanson D) Regulations: adoption: disability access.

Introduced: 2/23/2012

Status: 5/10/2012-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/10/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing state and federal law prohibits the exclusion of a qualified individual with a disability, by reason of that disability, from participation in or equal access to the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by a public entity. Federal regulations require a public entity to take appropriate steps to ensure that communications with participants and members of the public with disabilities are as effective as communications with others. These regulations also require a public entity to furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity. This bill would require an agency to include within the notice of proposed action a specified statement regarding the availability of narrative descriptions for persons with visual or other specified disabilities. This bill contains other existing laws.

Position

AB 2074 (Bradford D) In-Home Supportive Services program: telehealth training program.

Introduced: 2/23/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HUM. S. on 3/8/2012)

Location: 4/27/2012-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law authorizes services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Existing law requires the department, in consultation with counties, to develop a standardized curriculum, training materials, and work aids, and operate an ongoing statewide training program, on specified matters related to the provision of in-home supportive services. This bill would require the department to develop a training program, as specified, to train IHSS providers on the utilization of telehealth in home-based care.

Position

AB 2097 (Hill D) Public utilities: safety reports.

Introduced: 2/23/2012

Last Amend: 5/9/2012

Status: 5/9/2012-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 5/9/2012-A. U. & C.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations, as defined. Existing law requires the PUC to investigate the cause of all accidents occurring within this state upon the property of any public utility or directly or indirectly arising from or connected with the utility's maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the PUC, investigation by the PUC. Existing law also authorizes the PUC to make any order or recommendation with respect thereto as in the PUC's judgment seems just and reasonable. This bill would require an investor-owned utility that provides gas or electric service, or both, to annually report to the PUC on the disposition of all civil complaints against the utility where a matter of public safety that has substantial likelihood to jeopardize the lives or health of Californians is the gravamen of a claim in the complaint. This bill contains other related provisions and other existing laws.

Position

AB 2145 (Alejo D) Pupils: expulsion and suspension.

Introduced: 2/23/2012

Last Amend: 4/9/2012

Status: 4/25/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/25/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law establishes the California Longitudinal Pupil Achievement Data System (CALPADS), and requires a local educational agency to retain all data necessary to compile reports required by specified federal laws, including, but not limited to, dropout and graduation rates. Existing law requires the Superintendent of Public Instruction to annually submit to the Governor, the Legislature, and the State Board of Education a report on dropouts using the data produced by CALPADS. Existing law requires that certain data listed in the report be presented, if possible, for specified subgroups, including ethnicity and gender. This bill would additionally require that the behavioral data included in the report, including suspension and expulsion data, be presented for those subgroups, if possible. This bill contains other related provisions and other existing laws.

Position

AB 2206 (Atkins D) Medi-Cal: dual eligibles: pilot projects.

Introduced: 2/23/2012

Status: 5/10/2012-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/10/2012-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing federal law provides for the federal Medicare Program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. Existing law, to the extent that federal financial participation is available, and pursuant to a demonstration project or waiver of federal law, requires the department to establish pilot projects in up to 4 counties, to develop effective health care models to provide services to persons who are dually eligible under both the Medi-Cal and Medicare programs. Under existing law, the department may require persons who are dually eligible to enroll in a Medi-Cal managed care plan that is established or expanded as part of a pilot project. Existing law also provides that a person who is eligible for the California Program of All-Inclusive Care for the Elderly (PACE), which provides specified long-term care services to qualified older individuals, may select a PACE plan if one is available in that county. This bill would require, if a PACE plan is available, that the plan be presented as an enrollment option, included in enrollment materials, enrollment assistance programs, and outreach programs related to the pilot project, and made available to Medi-Cal beneficiaries whenever enrollment choices and options are presented.

Position

AB 2224 (Smyth R) Public employees' retirement.

Introduced: 2/24/2012

Status: 4/26/2012-From committee: That the measure be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study. (Ayes 4. Noes 2.) (April 26).

Location: 4/26/2012-A. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
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Dead	1st House	2nd House	Conc.			
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Summary: Existing law establishes the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS) for the purpose of providing pension benefits to their employees. Existing law also establishes the Judges' Retirement System II which provides pension benefits to elected judges and the Legislators' Retirement System which provides pension benefits to elective officers of the state other than judges and to legislative statutory officers. The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county, city, and district employees. The Regents of the University of California have established the University of California Retirement System as a trust for this purpose. This bill, on and after January 1, 2013, would prohibit a public retirement system from allowing the purchase of additional retirement service credit, as described above. The bill would except from this prohibition an official application to purchase this type of service credit received by the retirement system prior to January 1, 2013. The bill would prohibit any member who does not have at least 5 years of service credit before the operative date of this bill, or any person hired on or after that date, from purchasing additional retirement service credit. This bill contains other related provisions and other existing laws.

Position

AB 2282 (Berryhill, Bill R) Disability access: standing: injunctive relief.

Introduced: 2/24/2012

Last Amend: 5/10/2012

Status: 5/10/2012-Read second time and amended. Ordered to second reading.

Location: 5/10/2012-A. SECOND READING

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Existing law establishes the California Commission on Disability Access to develop recommendations that will enable persons with disabilities to exercise their right to full and equal access to public facilities, and that will facilitate business compliance with disability access laws and regulations to avoid unnecessary litigation. Existing law requires the commission to study specified disability access issues, and to make reports on those issues to the Legislature. This bill would require the commission to analyze and make recommendations to the Legislature regarding whether compliance with state and federal construction-related disability accessibility laws would be improved or potentially deterred by changes to state rules regarding legal standing for actions seeking injunctive relief to correct alleged violations of disability access laws or the manner by which these claims are pleaded.

Position

AB 2320 (Nestande R) Franchise Tax Board: State Board of Equalization: study.

Introduced: 2/24/2012

Last Amend: 4/19/2012

Status: 4/26/2012-Re-referred to Com. on RLS. pursuant to Assembly Rule 96.

Location: 4/26/2012-A. RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Existing law requires the Franchise Tax Board to administer the Personal Income Tax Law and the Corporation Tax Law, and requires the State Board of Equalization to administer various other taxes. This bill would require the Franchise Tax Board and the State Board of Equalization, before January 1, 2014, to jointly conduct a study and deliver a report to the Legislature determining the cost of administration and compliance with the Revenue and Taxation Code, as provided, and to determine how much revenue is being lost by California's economy due to its complex system of taxation.

Position

AB 2325 (Norby R) Special access: liability.

Introduced: 2/24/2012

Status: 3/15/2012-Referred to Com. on JUD.

Location: 3/15/2012-A. JUD.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building

standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a business for an alleged violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred. The bill would require that owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. If that owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 120 days to do so. The bill would provide that its provisions do not apply to claims for recovery of special damages for an injury in fact, and would authorize the court to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury. The bill would further state the intent of the Legislature to institute certain educational programs related to special access laws. This bill contains other related provisions.

Position

AB 2338 (Chesbro D) Developmental services: Employment First Policy.

Introduced: 2/24/2012

Status: 4/26/2012-Read second time. Ordered to third reading.

Location: 4/26/2012-A. THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. This bill would define competitive employment, microenterprises, and self-employment for these purposes. This bill would require each regional center planning team, when developing an individual program plan for a transition age youth or working age adult, to consider a specified Employment First Policy. The bill would also require regional centers to ensure that consumers, beginning at 16 years of age, and, where appropriate, other specified persons, are provided with information about the Employment First Policy, about options for integrated competitive employment, and about services and supports, including postsecondary education, available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment. The bill would authorize the department to request information from regional centers on current and planned activities related to the Employment First Policy. This bill contains other existing laws.

Position

Support

AB 2370 (Mansoor R) Mental retardation: change of term to intellectual disabilities.

Introduced: 2/24/2012

Last Amend: 4/9/2012

Status: 4/26/2012-Referred to Com. on HEALTH.

Location: 4/26/2012-S. HEALTH

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing federal Medicaid provisions require a state to describe its Medicaid program in its state plan, which is required by federal law to provide for, among other things, a public process for determination of rates of payment under the plan for hospital services, nursing facility services, and services of intermediate care facilities for the mentally retarded. This bill, which would be known as the Shriver "R-Word" Act, would revise various statutes to, instead, refer to a person with an intellectual disability. The bill would also state the intent of the Legislature not to make a change to services or the eligibility for services. This bill contains other existing laws.

Position

AB 2392 (John A. Pérez D) Medi-Cal: interpreter services.

Introduced: 2/24/2012

Last Amend: 4/24/2012

Status: 5/9/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/9/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care

services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing federal law provides for increased administrative funding for translation and interpretation services provided in connection with the enrollment of, retention of, and use of services under the Medicaid Program. This bill would require the department to seek federal funding to establish a program to provide and reimburse for medical interpretation services to Medi-Cal beneficiaries who are limited English proficient .

Position

AB 2472 (Butler D) Medi-Cal: managed care.

Introduced: 2/24/2012

Status: 4/18/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/18/2012-A. APPR. SUSPENSE FILE

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law requires the State Department of Health Care Services to pay capitation rates to health plans participating in the Medi-Cal managed care program using actuarial methods and authorizes the department to establish health-plan- and county-specific rates. Existing law requires the department to utilize a county- and model-specific rate methodology to develop Medi-Cal managed care capitation rates for contracts entered into between the department and any entity pursuant to specified provisions that govern certain managed health care models. This bill would require the department to utilize fee-for-service data in setting rates for an entity that has contracted with the department as a primary care case management organization pursuant to specified provisions of law, including provisions that authorize the department to contract with primary care providers that serve persons infected with human immunodeficiency virus (HIV), in the same manner and for the same purposes as it used this data to establish rates for other specified managed care health care models. This bill contains other related provisions.

Position

AB 2502 (Blumenfield D) Vehicles: conditional sale contracts.

Introduced: 2/24/2012

Last Amend: 5/8/2012

Status: 5/9/2012-Read second time. Ordered to consent calendar.

Location: 5/9/2012-A. CONSENT CALENDAR

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law imposes various licensing and regulatory requirements on dealers of motor vehicles and requires that certain fees and charges be disclosed in a conditional sale contract for the purchase of a motor vehicle. This bill would additionally require the disclosure and labeling, as specified, of a charge for an electric vehicle charging station, which may include materials, wiring, and equipment installation , each of which must be separately itemized .

Position

AB 2538 (John A. Pérez D) In-home supportive services: criminal exclusions.

Introduced: 2/24/2012

Status: 5/10/2012-Read second time. Ordered to consent calendar.

Location: 5/10/2012-A. CONSENT CALENDAR

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law authorizes services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. This bill would instead require the department to request a copy of the applicant's criminal offender record information search response from the applicable county welfare department or public authority. This bill contains other related provisions and other existing laws.

Position

AB 2545 (Logue R) Medi-Cal: nonemergency medical transportation.

Introduced: 2/24/2012

Last Amend: 4/18/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. HEALTH on 4/19/2012)

Location: 4/27/2012-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides for a schedule of health care benefits under the Medi-Cal program, including medical transportation services, subject to utilization controls. This bill would require nonemergency medical transportation services provided to Medi-Cal beneficiaries by managed care organizations directly or under contractual arrangements to be subject to the same personnel, equipment, and inspection requirements as nonemergency medical transportation services provided by fee-for-service enrolled providers, as specified. This bill would provide that a nonemergency medical transportation services provider is not prohibited from establishing higher standards, as specified.

Position

AB 2585 (Nestande R) Vehicles: child passenger restraints.

Introduced: 2/24/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. TRANS. on 4/16/2012)

Location: 4/27/2012-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Existing law prohibits the operator of a limousine for hire or authorized emergency vehicle or the operator of a taxicab, from operating the limousine for hire, authorized emergency vehicle, or taxicab unless the operator and any passengers 8 years of age or older in the front seat are properly restrained by a safety belt. This bill would instead prohibit the operator of a limousine for hire or authorized emergency vehicle or the operator of a taxicab, from operating the limousine for hire, authorized emergency vehicle, or taxicab unless the operator and any passengers 6 years of age or over or weighing 60 pounds or more in the front seat are properly restrained by a safety belt. This bill contains other related provisions and other existing laws.

Position

AB 2623 (Allen D) State hospitals: peace officers.

Introduced: 2/24/2012

Status: 5/2/2012-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/2/2012-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Under existing law, peace officers of a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services are authorized to carry firearms only as authorized and under terms and conditions specified by their employing agency. This bill would instead require peace officers of those state hospitals to carry a firearm while performing assigned functions outside of the secure treatment area of the hospital.

Position

ACA 22 (Smyth R) Public employees' retirement.

Introduced: 2/22/2012

Status: 2/23/2012-From printer. May be heard in committee March 24.

Location: 2/22/2012-A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

Summary: Existing law establishes various public agency retirement systems, including the Public Employees' Retirement System (PERS), the State Teachers' Retirement System (STRS), the Judges' Retirement System II, and various county retirement systems pursuant to the County Employees Retirement Law of 1937, among others, and these systems provide defined pension benefits to public employees based on age, service credit, and amount of final compensation. The California Constitution permits a city or county to adopt a charter for purposes of its governance that supersedes general laws of the state in regard to specified subjects, including compensation of city or county employees.

The California Constitution also establishes the University of California as a public trust with full powers of organization and government, subject only to specified limitations. Charter cities and the University of California may establish pension plans under their respective independent constitutional authority. These pension systems are funded by employee and employer contributions and investment returns. Existing law provides that public employee pension benefits are a form of deferred compensation, the right to which vests in the employee on contractual principles and is protected from impairment by the California Constitution and the United States Constitution. This measure would require each public retirement system, as defined in statute, to provide one or more hybrid pension plans meeting the requirements of this measure to each public employer that provides its employees a defined benefit pension plan administered by the public retirement system. The measure would require that a hybrid pension plan consist of a defined benefit component and a defined contribution or alternative plan design component, as specified. The measure would require, among other things, that a hybrid pension plan be designed with a goal of providing annually during retirement, based on a full career in public service, as defined, replacement income of 75% of a public employee's final compensation. The measure would require the Director of Finance, on or before January 1, 2013, to establish initial criteria and requirements for one or more hybrid pension plans, as specified. The measure would require, on and after July 1, 2013, each public retirement system to administer, and make available to each public employer that provides a defined benefit pension plan, one or more hybrid pension plans, except as specified, for public employees hired in each member classification in the public retirement system. This bill contains other existing laws.

Position

ACA 25

(Mansoor R) State budget.

Introduced: 2/24/2012

Status: 2/27/2012-Read first time.

Location: 2/24/2012-A. PRINT

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Existing provisions of the California Constitution generally require a bill containing a General Fund appropriation to be passed by a 2/3 vote of both houses of the Legislature. The Budget Bill and other bills providing for appropriations related to the Budget Bill, as defined, are exempt from this requirement and may be passed by a majority vote, to take effect immediately upon being signed by the Governor or upon a date specified in the legislation. This measure would repeal both those provisions exempting the Budget Bill and other bills providing for appropriations related to the Budget Bill from the 2/3-vote requirement, and the provisions specifying that those bills take effect immediately. This bill contains other related provisions and other existing laws.

Position

GRP 2

(Achadjian) Governor's reorganization plan: reorganization of executive branch of state government.

Introduced: 5/3/2012

Status: 5/3/2012-Received by the Assembly (Sixty day mandatory period ends July 3, 2012 pursuant to Government Code Section 1200.5)

Location: 5/3/2012-A. PRINT

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary:

Position

SB 60

(Evans D) Mental health: state hospitals.

Introduced: 12/22/2010

Last Amend: 5/31/2011

Status: 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 7/6/2011)

Location: 8/26/2011-A. 2 YEAR

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead									Conc.			
	1st House				2nd House							

Summary: Existing law provides for state mental hospitals for the care, treatment, and education of the mentally disordered, including Napa State Hospital and Metropolitan State Hospital. These hospitals are under the jurisdiction of the State Department of Mental Health. This bill would delete these provisions governing evaluation and treatment, and instead require a risk evaluation, as specified, upon commitment to any state hospital, of a patient who is being committed pursuant to any provision of the Penal Code. This bill contains other existing laws.

Position

SB 71**(Committee on Budget and Fiscal Review) Budget Act of 2011.****Introduced:** 1/10/2011**Last Amend:** 6/14/2011**Status:** 6/14/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.**Location:** 6/14/2011-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: SB 69, as proposed by Conference Report No. 1 on March 7, 2011, would make appropriations for the support of state government for the 2011-12 fiscal year. This bill would make revisions to those appropriations in SB 69 for the 2011-12 fiscal year. This bill contains other related provisions.

Position**SB 75****(Committee on Budget and Fiscal Review) California Children and Families Act of 1998: use of funds.****Introduced:** 1/10/2011**Last Amend:** 3/14/2011**Status:** 3/14/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.**Location:** 3/14/2011-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by certain taxes imposed on the sale and distribution of cigarettes and tobacco products that are deposited into the continuously appropriated California Children and Families Trust Fund. Existing law requires the fund to be used for the implementation of comprehensive early childhood development and smoking prevention programs. Under existing law, prescribed percentages of moneys allocated and appropriated from the trust fund are required to be deposited into various accounts for expenditure by the California Children and Families Commission, also known as First 5 California, and to local children and families trust funds, to be expended for various subjects relating to and furthering the goals and purposes of the act. This bill would establish the Children and Families Health and Human Services Fund. The bill would require specified amounts of state and local children and families commission funds to be deposited in the fund for the 2011-12 fiscal year, as specified. Upon appropriation by the Legislature, moneys deposited in the Children and Families Health and Human Services Fund would be used to provide health and human services, including direct health care services, to children from birth through 5 years of age. This bill contains other related provisions and other existing laws.

Position**SB 76****(Committee on Budget and Fiscal Review) Mental Health Services Act.****Introduced:** 1/10/2011**Last Amend:** 3/14/2011**Status:** 3/14/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.**Location:** 3/14/2011-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services, as specified. The act provides that it may be amended by the Legislature by a 2/3 vote of each house as long as the amendment is consistent with and furthers the intent of the act, and that the Legislature may also clarify procedures and terms of the act by majority vote. This bill would delete the requirement for these annual reviews and would authorize the commission, instead of the department, to provide technical assistance to the county mental health plans. This bill contains other related provisions and other existing laws.

Position

SB 85**(Committee on Budget and Fiscal Review) Education finance.****Introduced:** 1/10/2011**Last Amend:** 6/14/2011**Status:** 6/23/2011-Returned by the Governor at the request of the Senate. Held at desk.**Location:** 6/23/2011-S. DESK

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law requires a revenue limit to be calculated for each county superintendent of schools, adjusted for various factors, and reduced, as specified. Existing law reduces the revenue limit for each county superintendent of schools for the 2011-12 fiscal year by a deficit factor of 19.892%. This bill instead would set the deficit factor for each county superintendent of schools for the 2011-12 fiscal year at 20.041%. This bill contains other related provisions and other existing laws.

Position**SB 96****(Committee on Budget and Fiscal Review) Budget Act of 2011.****Introduced:** 1/10/2011**Last Amend:** 6/28/2011**Status:** 6/28/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.**Location:** 6/28/2011-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law requires the Legislature to pass a Budget Bill making appropriations for the support of state government for the ensuing fiscal year. This bill would amend the Budget Act of 2011 to require the Director of Finance to forecast General Fund revenues for the 2011-12 fiscal year by December 15, 2011, and to determine whether that revenue forecast or the Legislative Analyst's November 2011 General Fund revenue forecast is higher. Under this bill, the Director of Finance would be required to make reductions to specified items of appropriation if the higher revenue forecast is less than \$87,452,500,000 and to make additional reductions to specified items of appropriation if the higher revenue forecast is less than \$86,452,500,000. This bill contains other related provisions.

Position**SB 97****(Committee on Budget and Fiscal Review) Adult day health care.****Introduced:** 1/10/2011**Last Amend:** 7/14/2011**Status:** 7/14/2011-In Senate. Concurrence in Assembly amendments pending.**Location:** 7/14/2011-S. UNFINISHED BUSINESS

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified, low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides, to the extent permitted by federal law, that adult day health care (ADHC) be excluded from coverage under the Medi-Cal program on the first day of the first calendar month following 90 days after the effective date of the act that added that provision or on the first day of the first calendar month following 60 days after the date the department secures all necessary federal approvals to implement that provision, whichever is later. This bill would, instead, require that ADHC be excluded from coverage under the Medi-Cal program on November 1, 2011. This bill contains other related provisions.

Position**SB 99****(Committee on Budget and Fiscal Review) Budget Act of 2011.****Introduced:** 1/10/2011**Status:** 2/24/2011-Referred to Com. on APPR.**Location:** 2/24/2011-A. APPR.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.

Position

SB 121**(Liu D) Pupils: foster children: special education.****Introduced:** 1/24/2011**Last Amend:** 3/14/2012**Status:** 5/3/2012-Re-referred to Com. on ED.**Location:** 5/3/2012-A. ED.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law requires a pupil who is placed in a licensed children's institution or foster family home to attend programs operated by the local educational agency unless the pupil is entitled to remain in his or her school of origin, the pupil has an individualized education program requiring placement elsewhere, or the pupil's parent or guardian, or other person holding the right to make educational decisions for the pupil, determines that it is in the best interests of the pupil to be placed in another educational program. This bill would require that, if the pupil's parent or guardian, or other person holding the right to make educational decisions for the pupil, makes that determination, he or she shall provide a written statement to that effect to the local educational agency, as specified. This bill contains other related provisions and other existing laws.

Position

Watch

SB 345**(Wolk D) Office of the State Long-Term Care Ombudsman.****Introduced:** 2/15/2011**Last Amend:** 5/7/2012**Status:** 5/7/2012-Read second time and amended. Re-referred to Com. on APPR.**Location:** 5/7/2012-A. APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law, as part of the Mello-Granlund Older Californians Act, establishes the Office of the State Long-Term Care Ombudsman, under the direction of the State Long-Term Care Ombudsman, in the California Department of Aging. Existing law provides for the Long-Term Care Ombudsman Program under which funds are allocated to local ombudsman programs to assist elderly persons in long-term health care facilities and residential care facilities by, among other things, investigating and seeking to resolve complaints against these facilities. This bill would, among other things, require the office to submit an annual advocacy report to the Legislature and others in accordance with specified provisions of federal law, would require the office to perform specified duties relating to protecting the health, safety, welfare, and rights of residents in long-term care facilities, and would require the office to maintain an Internet Web presence, as prescribed. This bill would also make conforming changes and technical, nonsubstantive changes to these provisions.

Position**SB 382****(Liu D) Developmental services: regional centers: complaints.****Introduced:** 2/15/2011**Last Amend:** 5/31/2011**Status:** 7/8/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was HUM. S. on 6/9/2011)**Location:** 7/8/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. That law authorizes the department to enter into 5-year contracts with regional centers, subject to an annual appropriation of funds by the Legislature. The act requires the contracts to specify that each regional center include annual performance objectives that will meet certain standards and allows the department to specify additional areas of support that require development or enhancement. The act requires corrective action if a regional center fails to meet the performance standards. This bill would authorize the department to specify additional areas of support requiring development or enhancement, as specified. This bill contains other related provisions and other existing laws.

PositionSupport in
Concept**SB 411****(Price D) Home Care Services Act of 2011.****Introduced:** 2/16/2011

Last Amend: 8/30/2011

Status: 9/6/2011-Ordered to inactive file on request of Assembly Member Charles Calderon.

Location: 9/6/2011-A. INACTIVE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the In-Home Supportive Services (IHSS) program, a county-administered program under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. The IHSS program includes various eligibility requirements for individuals who provide services to recipients under the program. Under existing law, a private provider of in-home care services is not subject to the requirements of the IHSS program. This bill would enact the Home Care Services Act of 2011, which would provide , on and after July 1, 2012, for the licensure and regulation of home care organizations, as defined, by the State Department of Social Services , and the certification of home care aides. The bill would exclude specified entities from the definition of a home care organization. The bill would impose various licensure requirements on a home care organization . The bill would also impose a civil penalty on an individual or entity that operates a home care organization without a license, except as specified. The bill would require a home care organization to provide a client with specified information before arranging for the provision of home care services, as defined, to that client, including, but not limited to, the types and hours of available home care services, and the extent to which payment may be expected from specified sources. In addition, this bill would require a home care organization, among other things, to distribute to the client its advance directive policy and provide a written notice to the client of certain rights. The bill would also prohibit a home care organization from hiring an individual as a home care aide unless that individual meets certain requirements, including, but not limited to, demonstrating that he or she has specified language skills and completing a minimum of 5 hours of training as specified. This bill contains other related provisions and other existing laws.

Position

Support

SB 558

(Simitian D) Elder and dependent adults: abuse or neglect: damages.

Introduced: 2/17/2011

Last Amend: 5/3/2011

Status: 8/25/2011-Set, second hearing. Held in committee and under submission.

Location: 7/13/2011-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the award of attorney's fees and costs to, and the recovery of damages by a plaintiff when it is proven by clear and convincing evidence that a defendant is liable for physical abuse or neglect of an elder or dependent adult and the defendant has also been guilty of recklessness, oppression, fraud, or malice in the commission of the abuse. This bill would revise these provisions to change the standard of proof to a preponderance of the evidence. This bill contains other related provisions and other existing laws.

Position

SB 677

(Hernandez D) Medi-Cal: eligibility.

Introduced: 2/18/2011

Last Amend: 5/23/2011

Status: 4/19/2012-Referred to Com. on HEALTH.

Location: 4/19/2012-A. HEALTH

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. This bill would provide, to the extent required by federal law, that the department shall not apply an assets or resources test for purposes of determining eligibility for Medi-Cal or under a Medi-Cal waiver, except as specified. This bill would also require, to the extent required by federal law, the department to use the modified adjusted gross income of an individual, or the household income of a family, if applicable, for the purposes of determining income eligibility for Medi-Cal or under a Medi-Cal waiver, except as specified. The bill would provide that these provisions shall become operative on January 1, 2014. Because each county is responsible for making Medi-Cal eligibility determinations, the bill would increase the duties of county officials and would thereby impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

SB 764**(Steinberg D) Developmental services: telehealth systems program.****Introduced:** 2/18/2011**Last Amend:** 1/12/2012**Status:** 4/19/2012-Referred to Com. on HUM. S.**Location:** 4/19/2012-A. HUM. S.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. This bill would require the department to , on a demonstration pilot project basis, authorize a provider who is currently vendorized with a regional center to provide applied behavioral analysis (ABA) services, intensive behavioral intervention (IBI) services, or both, to provide these services through the use of telehealth systems (THS), as defined, as part of a consumer's individual program plan upon approval of a regional center and the voluntary approval of the consumer or specified persons . This bill contains other related provisions.

Position

Watch

SB 770**(Steinberg D) Health care coverage: mental illness: developmental disorder and autism.****Introduced:** 2/18/2011**Last Amend:** 8/31/2011**Status:** 8/31/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.**Location:** 8/31/2011-A. APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. A willful violation of these provisions is a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide benefits for specified conditions, including certain mental health conditions. This bill would require those health care service plan contracts and health insurance policies to also provide coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism. The bill would provide, however, that no benefits are required to be provided that exceed the essential health benefits required under specified federal law. Because a violation of these provisions with respect to health care service plans would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position**SB 804****(Corbett D) Health care districts: transfers of assets.****Introduced:** 2/18/2011**Last Amend:** 1/4/2012**Status:** 4/19/2012-Referred to Coms. on HEALTH and L. GOV.**Location:** 4/19/2012-A. HEALTH

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law authorizes a health care district to transfer, for the benefit of the communities served by the district, in the absence of adequate consideration, any part of the assets of the district to one or more nonprofit corporations to operate and maintain the assets. Existing law deems a transfer of 50% or more of the district's assets to be for the benefit of the communities served only upon the occurrence of specified conditions. This bill would include among the above-described conditions the inclusion within the transfer agreement of the appraised fair market value of any asset transferred to the nonprofit corporation, as specified. This bill contains other related provisions and other existing laws.

Position**SB 951****(Hernandez D) Health care coverage: essential health benefits.****Introduced:** 1/5/2012**Last Amend:** 4/16/2012**Status:** 5/7/2012-In Assembly. Read first time. Held at Desk.**Location:** 5/7/2012-A. DESK

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Commencing January 1, 2014, existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires a health insurance issuer that offers coverage in the small group or individual market to ensure that such coverage includes the essential health benefits package, as defined. PPACA requires each state to, by January 1, 2014, establish an American Health Benefit Exchange that facilitates the purchase of qualified health plans by qualified individuals and qualified small employers. PPACA defines a qualified health plan as a plan that, among other requirements, provides an essential health benefits package. Existing state law creates the California Health Benefit Exchange (the Exchange) to facilitate the purchase of qualified health plans by qualified individuals and qualified small employers by January 1, 2014. This bill would require an individual or small group health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2014, to cover essential health benefits, which would be defined to include the benefits and services covered by particular plans. The bill would specify that this provision applies regardless of whether the contract or policy is offered inside or outside the Exchange but would provide that it does not apply to grandfathered plans or plans that offer excepted benefits, as specified. The bill would prohibit a health care service plan or health insurer, when offering, issuing, selling, or marketing a plan contract or policy, from indicating or implying that the contract or policy covers essential health benefits unless the contract or policy covers essential health benefits as provided in the bill. This bill contains other related provisions and other existing laws.

Position

SB 957

(Leno D) 2012-13 Budget.

Introduced: 1/10/2012

Status: 1/10/2012-Introduced. Read first time. Referred to Com. on B. & F.R.

Location: 1/10/2012-S. BUDGET & F.R.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would make appropriations for support of state government for the 2012-13 fiscal year. This bill contains other related provisions.

Position

Watch

SB 1011

(Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1012

(Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1013

(Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1014 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1015 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1016 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1017 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1018 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1019 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1020 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1021 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1022 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1023 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1024 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1025 (Committee on Budget and Fiscal Review) Budget Act of 2012.**Introduced:** 2/6/2012**Status:** 3/26/2012-Referred to Com. on BUDGET.**Location:** 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position**SB 1026 (Committee on Budget and Fiscal Review) Budget Act of 2012.****Introduced:** 2/6/2012**Status:** 3/26/2012-Referred to Com. on BUDGET.**Location:** 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position**SB 1027 (Committee on Budget and Fiscal Review) Budget Act of 2012.****Introduced:** 2/6/2012**Status:** 3/26/2012-Referred to Com. on BUDGET.**Location:** 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position**SB 1028 (Committee on Budget and Fiscal Review) Budget Act of 2012.****Introduced:** 2/6/2012**Status:** 3/26/2012-Referred to Com. on BUDGET.**Location:** 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position**SB 1029 (Committee on Budget and Fiscal Review) Budget Act of 2012.****Introduced:** 2/6/2012**Status:** 3/26/2012-Referred to Com. on BUDGET.**Location:** 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position**SB 1030 (Committee on Budget and Fiscal Review) Budget Act of 2012.****Introduced:** 2/6/2012**Status:** 3/26/2012-Referred to Com. on BUDGET.**Location:** 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to

the Budget Act of 2012.

Position

SB 1031 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1032 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1033 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1034 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1035 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1036 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1037 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1038 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1039 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1040 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1041 (Committee on Budget and Fiscal Review) Budget Act of 2012.

Introduced: 2/6/2012

Status: 3/26/2012-Referred to Com. on BUDGET.

Location: 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position

SB 1042 (Committee on Budget and Fiscal Review) Budget Act of 2012.**Introduced:** 2/6/2012**Status:** 3/26/2012-Referred to Com. on BUDGET.**Location:** 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position**SB 1043 (Committee on Budget and Fiscal Review) Budget Act of 2012.****Introduced:** 2/6/2012**Status:** 3/26/2012-Referred to Com. on BUDGET.**Location:** 3/26/2012-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.

Position**SB 1050 (Alquist D) Autism: telehealth task force.****Introduced:** 2/8/2012**Last Amend:** 5/10/2012**Status:** 5/10/2012-Read second time and amended. Ordered to third reading.**Location:** 5/10/2012-S. THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law requires the State Department of Developmental Services to develop evaluation and diagnostic procedures for the diagnosis of autism disorder and other autistic spectrum disorders, as specified. Existing law also requires the Superintendent of Public Instruction to convene, with input from the University of California, the California State University, the department, and other appropriate entities, an advisory committee to develop recommendations identifying the means by which public and nonpublic schools, including charter schools, can better serve pupils with autism spectrum disorders and their parents. This bill would, until January 1, 2019, require the department to establish an autism telehealth task force and identify a lead administrator to be responsible for the activities and work of the task force. The task force would be required to provide the department with recommendations in the area of telehealth services for individuals with autism spectrum disorders, as specified.

Position**SB 1051 (Liu D) Reports of death, injury, and abuse: developmental centers and state hospitals: mandated reporters.****Introduced:** 2/8/2012**Last Amend:** 5/10/2012**Status:** 5/10/2012-Read second time and amended. Re-referred to Com. on APPR.**Location:** 5/10/2012-S. APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires a developmental center to immediately report all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency. Existing law establishes the Office of Protective Services within the State Department of Developmental Services. This bill would rename a certain position within the Office of Protective Services as the Director of Protective Services, require the director to meet specified qualifications, and require that the director be appointed by and serve at the pleasure of the Secretary of California Health and Human Services, as specified. This bill contains other related provisions and other existing laws.

Position

SB 1070 (Steinberg D) Career Technical Education Pathways Program.**Introduced:** 2/13/2012**Last Amend:** 3/26/2012**Status:** 5/7/2012-Placed on APPR. suspense file.**Location:** 5/7/2012-S. APPR. SUSPENSE FILE

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law, until January 1, 2013, establishes the California Community Colleges Economic and Workforce Development Program. Existing law requires the Board of Governors of the California Community Colleges, as part of the program, to assist economic and workforce regional development centers and consortia to improve, among other things, career-technical education pathways between high schools and community colleges, as specified. This bill would establish the Career Technical Education Pathways Program until June 30, 2018, which would require the Chancellor of the California Community Colleges and the Superintendent of Public Instruction to assist economic and workforce regional development centers and consortia, middle schools, high schools, and regional occupational centers and programs to improve linkages and career technical education pathways between high schools and community colleges to accomplish specified objectives. This assistance would be required to be provided in the form of contracts and competitive grants administered jointly by the chancellor and the Superintendent for programs and initiatives that demonstrate a plan for close collaboration among regional institutions and entities to jointly accomplish specified goals. This bill contains other related provisions.

Position**SB 1072 (Strickland R) Newborn screening program.****Introduced:** 2/14/2012**Last Amend:** 4/24/2012**Status:** 5/7/2012-Placed on APPR. suspense file.**Location:** 5/7/2012-S. APPR. SUSPENSE FILE

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law requires the State Department of Public Health to establish a program for the development, provision, and evaluation of genetic disease testing. Existing law establishes the continuously appropriated Genetic Disease Testing Fund (GDTF), consisting of fees paid for newborn screening tests. Existing law states the intent of the Legislature that all costs of the genetic disease testing program be fully supported by fees paid for newborn screening tests, which are deposited in the GDTF. Existing law authorizes moneys in the GDTF to be used for the expansion of the Genetic Disease Branch Screening Information System, as specified, to include cystic fibrosis, biotinidase, and severe combined immunodeficiency. Existing law exempts the amendment of contracts for this purpose from provisions of the Public Contract Code that establish standards for contracts and require the Department of General Services to approve these contracts. Existing law also exempts the amendment of contracts for this purpose from standards for personal services contracts and from provisions that give the California Technology Agency authority over the application of information technology for state agencies. This bill would require the department, until January 1, 2018, to expand statewide screening of newborns to include screening for 2 types of lysosomal storage diseases, Hurler syndrome and Krabbe disease, and would exempt the amendment of contracts for this purpose from provisions that establish standards for contracts, require the Department of General Services to approve contracts, and give the California Technology Agency authority over information technology projects, as described above.

Position**SB 1081 (Fuller R) Public health care: Medi-Cal: demonstration projects.****Introduced:** 2/14/2012**Last Amend:** 5/7/2012**Status:** 5/9/2012-Ordered to special consent calendar.**Location:** 5/9/2012-S. CONSENT CALENDAR

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides for the Health Care Coverage Initiative, which is a federal waiver demonstration project established to expand health care coverage to low-income uninsured individuals who are not currently eligible for the Medi-Cal program and other specified public health

coverage programs. Existing law requires the department, pursuant to federal approval of a successor demonstration project, to authorize a local Low Income Health Program (LIHP) to provide health care services to eligible low-income individuals under certain circumstances. Under existing law, a county, city and county, consortium of counties serving a region of more than one county, or a health authority may be eligible to operate an approved LIHP. Existing law establishes the continuously appropriated LIHP Fund, which consists of moneys transferred to the fund from a participating entity to meet the nonfederal share of estimated payments to the LIHP. This bill would provide that a nondesignated public hospital, as defined, may be eligible to operate an approved LIHP if it is located in a county that does not have a designated public hospital, as defined, and does not intend to operate an LIHP. By increasing the number of entities that may transfer funds into the LIHP Fund, this bill would make an appropriation. This bill contains other related provisions.

Position

SB 1123 (De León D) Vehicles: disabled persons or disabled veterans: parking placards.

Introduced: 2/17/2012

Last Amend: 4/17/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. SENATE on 4/25/2012)

Location: 4/27/2012-S. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law prohibits a person to whom a disabled person placard has been issued from knowingly permitting the use of the placard for parking purposes by one not entitled to the use of the placard. Existing law also generally prohibits a person from displaying a disabled person placard that was not issued to him or her or that has been canceled or revoked. Existing law provides that a violation of these provisions is punishable as either an infraction or a misdemeanor. This bill would additionally suspend the driver's license of the person who violates the above-described provisions for 30 days and would require that the person whose disabled parking placard was the subject of a violation under the above provisions pay a civil penalty of \$100 upon his or her reapplication for a disabled person placard. This bill contains other related provisions and other existing laws.

Position

SB 1136 (Steinberg D) Health: mental health: Mental Health Services Act.

Introduced: 2/21/2012

Last Amend: 4/16/2012

Status: 5/7/2012-Placed on APPR. suspense file.

Location: 5/7/2012-S. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Under existing law, the State Department of Mental Health is authorized and required to perform various functions relating to the care and treatment of persons with mental disorders. This bill would require the commission to assist in providing technical assistance, as specified, and would require the commission to work in collaboration with, and in consultation with, various entities in designing a comprehensive joint plan for coordinated evaluation of client outcomes. This bill would require the California Health and Human Services Agency to lead the comprehensive joint plan effort. This bill would transfer various functions of the State Department of Mental Health under the Mental Health Services Act to the State Department of Health Care Services and the Office of Statewide Health Planning and Development . This bill would make various technical and conforming changes to reflect the transfer of those mental health responsibilities. This bill would require all projects included in the innovative programs portion of the county plan to meet specified requirements. This bill contains other related provisions and other existing laws.

Position

SB 1141 (Walters R) Public employees: postemployment health care benefits.

Introduced: 2/21/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. P.E. & R. on 4/18/2012)

Location: 4/27/2012-S. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The Public Employees' Medical and Hospital Care Act (PEMHCA), which is administered by the Board of Administration of the Public Employees' Retirement System, establishes provisions governing postemployment health care benefits for members and their families, upon meeting vesting

requirements and subject to various limitations. Existing law also establishes various postemployment health care benefits under other benefit systems, including those offered by counties, districts, cities, and the University of California. This bill would prohibit a public employer, for employees first hired on or after January 1, 2013, from entering into a memorandum of understanding or other collective bargaining agreement that provides for defined postemployment health care benefits unless each employee pays at least 50 percent of the actuarially required contributions to fund those health care benefits. The bill would also declare that ensuring the statewide integrity and security of state and local government health care plans is a matter of statewide concern and not a municipal affair, and that, therefore, all cities, including charter cities, would be subject to the provisions of the bill. The bill would also declare that these provisions apply to the University of California to ensure the financial security of the university.

Position

SB 1163 (Walters R) Special access: liability.

Introduced: 2/22/2012

Status: 5/8/2012-Set, first hearing. Failed passage in committee.

Location: 5/9/2012-S. JUD.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Summary: Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a business for an alleged violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred. The bill would require that owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. If that owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 120 days to do so. The bill would provide that its provisions do not apply to claims for recovery of special damages for an injury in fact, and would authorize the court to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury. The bill would further state the intent of the Legislature to institute certain educational programs related to special access laws. This bill contains other related provisions.

Position

SB 1176 (Huff R) Public employees' retirement.

Introduced: 2/22/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. P.E. & R. on 3/1/2012)

Location: 4/27/2012-S. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Summary: Existing law establishes the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS) for the purpose of providing pension benefits to their employees. Existing law also establishes the Judges' Retirement System II which provides pension benefits to elected judges and the Legislators' Retirement System which provides pension benefits to elective officers of the state other than judges and to legislative statutory officers. The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county, city, and district employees. The Regents of the University of California have established the University of California Retirement System as a trust for this purpose. This bill, on and after January 1, 2013, would prohibit a public retirement system from allowing the purchase of additional retirement service credit, as described above. The bill would except from this prohibition an official application to purchase this type of service credit received by the retirement system prior to January 1, 2013. The bill would prohibit any member who does not have at least 5 years of service credit before the operative date of this bill, or any person hired on or after that date, from purchasing additional retirement service credit. This bill contains other related provisions and other existing laws.

Position

SB 1186 (Steinberg D) Disability access: liability.

Introduced: 2/22/2012

Last Amend: 4/30/2012

Status: 5/8/2012-Do pass as amended.

Location: 5/8/2012-S. JUD.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law requires an attorney to provide a written advisory to a building owner or tenant with each demand for money or complaint for any construction-related accessibility claim, as specified. The requirement to provide the written advisory applies whether or not the attorney intends to file a complaint or eventually files a complaint in state or federal court. A violation of this requirement may subject the attorney to disciplinary action. This bill would, instead, require an attorney to provide a written advisory to a building owner or tenant with each complaint or settlement demand for any construction-related accessibility claim, as specified. The requirement to provide the written advisory would apply where the attorney or party has filed a complaint in state or federal court on the basis of one or more construction-related accessibility claims. This bill contains other related provisions and other existing laws.

Position

SB 1259 (Emmerson R) Developmental disabilities: regional centers.

Introduced: 2/23/2012

Last Amend: 4/30/2012

Status: 5/8/2012-Set, first hearing. Hearing canceled at the request of author.

Location: 4/30/2012-S. APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to enter into 5-year contracts with regional centers to render specified services. The act requires an entity receiving payments of \$250,000 or more, but not more than \$500,000, from a regional center to obtain either an independent audit or independent review report of its financial statements for the period. An entity receiving payments of \$500,000 or more is required to obtain an independent audit. Existing law requires a copy of the audit or report to be provided to the vendoring regional center within 30 days of completion of the audit or review. This bill would, until July 1, 2016, authorize exemptions from the above-described independent audit or review requirements of one or 2 years, if specified conditions are met.

Position

SB 1264 (Vargas D) Child abuse reporting: mandated reporters.

Introduced: 2/23/2012

Last Amend: 4/25/2012

Status: 5/7/2012-Placed on APPR. suspense file.

Location: 5/7/2012-S. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of \$1,000, or by both. This bill would include in the list of individuals who are mandated reporters any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching at a public or private postsecondary institution. . This bill contains other related provisions and other existing laws.

Position

SB 1352 (Corbett D) Child abuse: investigation and prosecution: child advocacy centers.

Introduced: 2/24/2012

Last Amend: 4/25/2012

Status: 5/10/2012-Referred to Com. on PUB. S.

Location: 5/10/2012-A. PUB. S.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law states the intent of the Legislature that the law enforcement agencies and

the county welfare or probation department of each county develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases. Existing law requires a local law enforcement agency having jurisdiction over a reported case of child abuse to report to the county welfare or probation department that it is investigating the case, and requires the county welfare department or probation department, in certain cases, to evaluate what action or actions would be in the best interest of the child and to submit its findings to the district attorney, as specified. This bill would authorize each county to establish a child advocacy center to coordinate the investigation and prosecution of child abuse. The bill would provide that if a county establishes a child advocacy center, the center shall consist of a representative from the district attorney's office, the sheriff's department or police department, or both those departments, and child protective services and may also include representatives from medical and mental health, victim advocacy, and any other agency relevant to the identification, investigation, prosecution, and treatment of child abuse. The bill would authorize each county to develop an interagency protocol agreement for the collaborative investigation of child abuse and neglect and would require any member of the child advocacy center to sign the protocol. The bill would require the protocol to define the multidisciplinary team, and to detail how the team will work together, as provided.

Position

SB 1377 (Corbett D) Protection and advocacy agencies.

Introduced: 2/24/2012

Last Amend: 4/19/2012

Status: 5/8/2012-Read second time. Ordered to third reading.

Location: 5/8/2012-S. THIRD READING

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law prescribes, in accordance with federal law, the powers of the protection and advocacy agency, which is a private, nonprofit corporation charged with protecting and advocating for the rights of persons with developmental disabilities and mental disorders. Under existing law, a protection and advocacy agency's powers include the authority to investigate any incident of abuse or neglect of persons with developmental disabilities or persons with mental illness if the complaints are reported to the protection and advocacy agency or if probable cause exists to believe that abuse or neglect has occurred. This authority includes the authorization to examine all relevant records and interview any facility or program service recipient, employee, or other person who might have knowledge of the alleged abuse or neglect. Existing law requires the agency to have access to the records of specified people with disabilities, including reports prepared by an agency charged with investigating reports of incidents of abuse, neglect, injury, or death occurring at the program, facility, or service. This bill would provide that the authority to access these records includes access to an unredacted citation report , unredacted licensing report , unredacted survey report , unredacted plan of correction, or unredacted statement of deficiency prepared by a department responsible for issuing a license or certificate to a program, facility, or service serving an individual with a disability. This bill contains other related provisions and other existing laws.

Position

SB 1381 (Payley D) Mental retardation: change of term to intellectual disability.

Introduced: 2/24/2012

Last Amend: 4/10/2012

Status: 4/26/2012-Re-referred to Com. on JUD.

Location: 4/26/2012-A. JUD.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: Existing law refers to mental retardation or a mentally retarded person in provisions relating to, among other things, educational and social services, commitment to state facilities, and criminal punishment. This bill would revise these provisions to refer instead to intellectual disability or a person with an intellectual disability. This bill would provide that nothing in these provisions shall be construed as making a substantive change in law or a change to services or the eligibility for services in revising this terminology. This bill would make related and technical changes.

Position

SB 1392 (Payley D) Developmental services.

Introduced: 2/24/2012

Last Amend: 4/9/2012

Status: 5/7/2012-Placed on APPR. suspense file.

Location: 5/7/2012-S. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law establishes several developmental centers within the jurisdiction of the State Department of Developmental Services . This bill would require, if a specified developmental center is determined to no longer meet the needs of the state for directly serving persons with developmental disabilities, that the real property within the grounds of the developmental center be made available for lease and be leased, subject to certain other leases, to generate revenue for deposit into the Californians with Developmental Disabilities Fund, which the bill would create. The bill would require moneys in this fund to be made available, upon appropriation by the Legislature, to the department for purposes of serving persons with developmental disabilities.

Position

SB 1432 (Steinberg D) Child and family welfare.

Introduced: 2/24/2012

Last Amend: 4/26/2012

Status: 5/4/2012-Set for hearing May 14.

Location: 4/26/2012-S. APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law requires the State Department of Social Services to establish the California Child and Family Service Review System, in order to review all county child welfare systems, including child protective services, foster care, adoption, family preservation, family support, and independent living. Existing law requires, by October 1, 2002, the California Health and Human Services Agency to convene a workgroup comprised of specified representatives to establish a workplan by which child and family service reviews are conducted pursuant to these provisions. This bill would provide that representatives of the State Department of Mental Health and the Department of Child Support Services are no longer required to participate in the workgroup. This bill would require, by January 1, 2013, that the workgroup reconvene, and, by April 1, 2013, that the workgroup determine whether additional outcome indicators, additional analysis of existing outcome indicators, or both, are necessary to determine the impact, if any, of the realignment of child welfare programs and services on child safety and well-being and develop those outcome indicators and analyses for inclusion in the workplan, if necessary . The bill would require the workgroup to consider specified outcome indicators. This bill contains other related provisions and other existing laws.

Position

SB 1503 (Steinberg D) In-Home Supportive Services program.

Introduced: 2/24/2012

Last Amend: 4/9/2012

Status: 5/9/2012-Read second time. Ordered to third reading.

Location: 5/9/2012-S. THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, administered by the State Department of Social Services and the counties, under which qualified aged, blind, and disabled persons are provided with services to permit them to remain in their own homes and avoid institutionalization. Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Under the Medi-Cal program, similar services are provided to eligible individuals, with these services known as personal care option services. Under existing law, home and facility care services that are subject to Medi-Cal reimbursement include nursing facility care services and home- or community-based care services, as specified. This bill would require the Director of Social Services and the Director of Health Care Services to convene a stakeholder group to design a plan for the integration of long-term services and supports programs, as prescribed.

Position

SB 1522 (Leno D) Developmental centers: reporting requirements.

Introduced: 2/24/2012

Last Amend: 4/26/2012

Status: 5/8/2012-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0. Page 3446.) (May 8). Re-referred to Com. on APPR.

Location: 5/8/2012-S. APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires a developmental center to immediately report all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency. Existing law establishes the Office of Protective Services within the State Department of Developmental Services. This bill would instead require a developmental center to immediately report a death, a sexual assault, an assault with a deadly weapon or force likely to produce great bodily injury, or an injury to the genitals when the cause of injury is undetermined, to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located, regardless of whether the Office of Protective Services has investigated the facts and circumstances relating to the incident. The bill would require the developmental center to submit a written report of the incident to the local law enforcement agency within 2 working days of any telephone report to that agency. This bill contains other related provisions.

Position

SB 1551 (Vargas D) Child sexual abuse: mandated reporting.

Introduced: 2/24/2012

Last Amend: 3/29/2012

Status: 4/27/2012-Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. PUB. S. on 4/9/2012)

Location: 4/27/2012-S. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law, the Child Abuse Neglect and Reporting Act, makes certain persons mandated reporters. Under existing law, mandated reporters are required to report whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure of a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor. This bill would require any competent adult, as defined, to report a reasonable suspicion of child sexual abuse and would make failure to report punishable by a range of fines and imprisonment based on the level of the failure. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

SCA 7 (Yee D) Public bodies: meetings.

Introduced: 1/10/2011

Last Amend: 4/13/2011

Status: 8/25/2011-Set, second hearing. Held in committee and under submission.

Location: 8/17/2011-A. APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The California Constitution requires meetings of public bodies to be open to public scrutiny. This measure would also include in the California Constitution the requirement that each public body provide public notice of its meetings and disclose any action taken.

Position

SCR 69 (Pavley D) California Autism Awareness Month.

Chapter Number: 16

Introduced: 2/23/2012

Last Amend: 4/16/2012

Status: 5/3/2012-Chaptered by Secretary of State - Chapter No. 16, Statutes of 2012

Location: 5/3/2012-S. CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This measure would designate April 2012 as California Autism Awareness Month, would affirm the Legislature's commitment to the important issues related to autism spectrum disorders (ASDs), and would emphasize that each and every individual with an ASD is a valued and important member of our society.

Position

SJR 18

(Pavley D) Individuals with disabilities: tax exempt accounts.

Introduced: 2/23/2012

Status: 5/10/2012-Read second time. Ordered to consent calendar.

Location: 5/10/2012-S. CONSENT CALENDAR

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary: This measure would urge the President and the Congress of the United States to immediately enact the Achieving a Better Life Experience Act of 2011.

Position

Total Measures: 192

Total Tracking Forms: 192

From: Risley, Carol@SCDD
Sent: Monday, April 30, 2012 2:22 PM
To: SCDD Members
Cc: SCDD AB Directors
Subject: Ensuring Fair & Equal Access to Regional Center Services

Interesting and well attended (by legislators) hearing today. Rocio Smith, Area Board 5 was on one of the panels, did a great job as always.

Closing remarks from Senator Steinberg noted that he heard some of the following messages:

- There needs (and formerly was) more flexibility for regional centers to purchase gap services
- Notices to parents need to be provided in appropriate languages
- Need for autism outreach
- Should build upon community (cultural) forums

With respect to action, Steinberg discussed the bill he carried when in the Assembly, AB 636 that established outcome measures for county child welfare systems. He stated that the State (DDS) and regional centers need to be held accountable, have outcome measures and be transparent. By doing so, we will force change as has occurred in the child welfare system. He believes that the regional center system needs to be outcome based and is willing to replicate AB 636 in the developmental services system. Finally it acknowledged that there are significant challenges in the system.

The hearing ended on his remarks; therefore it is not clear what the next steps might be.

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latimes.com/news/local/la-me-0501-autism-hearing-20120501,0,6943341.story

latimes.com

California agency ripped over disparities in autism spending

Advocates for children with autism testify at hearing that families with the least resources also get the least help from California's Department of Developmental Services.

By Alan Zarembo, Los Angeles Times

1:03 AM PDT, May 1, 2012

California lawmakers and advocates for children with autism assailed the state Department of Developmental Services during a hearing Monday over the deep racial and ethnic disparities in how it spends money on the disorder.

"Families that are already the most disadvantaged get the least," Martha Matthews, an attorney for the advocacy group Public Counsel, testified before a panel of legislators in Sacramento. "This is exactly the opposite of what it should be."

State Sen. Darrell Steinberg, who heads a committee on autism, called for legislation to provide greater accountability in the \$4-billion-a-year entitlement program for people with developmental disabilities. Autism now accounts for about a quarter of the 252,000 people in the state system and 45% of all new disability cases it accepts. Budgets have not kept pace.

Steinberg ordered the hearing in response to articles in The Times documenting how obtaining help for an autistic child can require waging battle against the gatekeepers of state services. Parents with the time and resources to fight receive significantly more, resulting in enormous racial and socioeconomic disparities.

It is not uncommon for autistic children from affluent families to receive 25 hours a week of one-on-one behavioral therapy. Advocates for poorer families, on the other hand, said parents aren't necessarily even told what public services are available.

Matthews recounted the case of a severely autistic 6-year-old boy whose parents, a laborer and a seamstress who speak only Spanish, asked for individual behavioral therapy. The request was denied, despite a doctor's insistence that it was necessary. Instead, the state provided a month's supply of diapers, bus passes and 10 group classes in

behavior management.

"This is such a hellish nightmare," state Sen. Mark Leno responded.

In its December series, The Times found that for autistic children ages 3 to 6 — a critical period for treating the disorder — the Developmental Services department spent an average of \$11,723 per child on whites in 2010, compared with \$11,063 on Asians, \$7,634 on Latinos and \$6,593 on blacks.

"Black and brown children are discriminated against," testified Areva Martin, a Los Angeles lawyer who runs the Special Needs Network, which advocates for poor minority children. "Parents should not be expected to sell their homes, quit their jobs and relocate to access services."

State money for the developmentally disabled flows to service providers through 21 nonprofit regional centers, which decide whether a child has a qualifying condition and what services to provide. Services are free for life, regardless of a family's means. In principle — but not in practice — everybody has the same opportunity for help. Regional center officials testified that the state budget crisis has worsened long-standing inequities.

Harried case workers have less time to find "creative solutions," said George Stevens, head of the North Los Angeles County Regional Center. The process used to award services is "slowly crashing down on clients it was intended to serve," he said.

Dexter Henderson, head of the South Central Los Angeles Regional Center, said many families in his largely impoverished area did not aggressively pursue services and the regional center "has zero dollars to advertise" them.

In 2010, the center spent an average of \$1,991 on each autistic child age 3 to 6 — the lowest in the state. The center in Orange County had the highest average spending, at \$18,356 per child.

Terri Delgadillo, head of the state Developmental Services department, testified that regional center budgets eventually will be set so that similar amounts of funding are available for clients with similar needs.

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Senate Select Committee on Autism & Related Disorders

Ensuring Fair & Equal Access to Regional Center Services
For Autism Spectrum Disorders
April 30, 2012

Testimony of Catherine Blakemore, Executive Director

Thank you for the opportunity to address the committee today concerning the important issues of ensuring fair and equal access to regional center services. Disability Rights California is the agency mandated by federal law to protect and advocate for Californians with disabilities. Last year, we assisted nearly 27,000 Californians with disabilities. Of that number, we provided assistance to 10,641 individuals with developmental disabilities, including 3,427 with autism spectrum disorders. While individuals with developmental disabilities and their families contacted us about a wide range of issues, the most frequently requested areas for assistance were: regional center services, education, health, income maintenance and housing.

The issue of equal access to services for Californians with developmental disabilities from diverse communities has been the subject of conversation and study during much of the past two decades. Since 1992, there have been at least 3 studies about Purchase of Service (POS) variance rates, each of which have concluded differences in the average POS for persons from different ethnic groups and wide variation across regional centers in average service costs. For example, the most recent study, by Drs. Charlene Harrington and Taewoon Kang, found that minority groups were 23-31% less likely to receive any regional center services than were individuals who identify as white. And for those who did receive services,

the expenditures were significantly lower than for individuals who identified as white.¹

The issue of racial and ethnic or geographic disparities in service delivery is not unique to the regional center system. The same researchers also found disparities in the number of In-Home Supportive Services (IHSS) hours with traditional racial minority groups receiving 16-39 fewer IHSS hours than whites. Disparities have also been documented in the mental health system where racial/ethnic minorities receive mental health services less often as compared with individuals who identify as white.² Similarly, the Los Angeles Times series of articles “Discovering Autism” found not only geographic and racial and ethnic disparities in the regional center system, but also significant disparities in school systems; with one Orange County School District identifying 3% of its students with autism and other Northern California rural school districts identifying less than half of 1% of students with autism. Thus, individuals with autism and other developmental disabilities from racial and ethnic minority communities and some geographic regions face greater difficulty accessing services from all service systems.

Since at least 2005, the Legislature has considered this issue in at least three modest policy bills. None of the legislative efforts were successful. The modest legislative efforts would have required, for example, annual reports of expenditures aggregated by race and ethnicity, and service termination and denial information by race and native language (AB 1535, Bass); a requirement that DDS monitor regional centers and assist in determining whether purchase of service funds are being spent equitably among the state’s linguistic and ethnically diverse populations (AB 302, Beall); and the most modest proposal, to require DDS to consider California’s diversity when convening stakeholder groups (AB 2204, Beall). Sadly, none of the efforts were successful and, too often, the reasons given for the failure were budget constraints. Perhaps most troubling was the recent effort to simply require DDS to ensure that the stakeholder groups reflected the state’s diversity. While it was acknowledged that the workload for implementing the requirement was small, the bill was nonetheless placed into suspense, because “... there could be General Fund and

¹ Harrington C. & Kang T., *Disparities in service utilization and expenditures for individuals with developmental disabilities*, Disability & Health Journal, 1:184, 193 (2008).

² Cauce AM, Domenech-Rodriguez M, Paradise M., et. Al. *Cultural and contextual influences in mental health help seeking: a focus on ethnic minority youth*. J Consult Clin Psychol. 44-55 (2002).

federal funds cost pressure to the extent that the stakeholders may work to increase the amount spent per consumer to create purchase of service parity among ethnic groups.”³

The adverse economic climate and resulting budget decisions may also have had other unintended consequences on regional centers’ ability to serve individuals from diverse communities. First, for much of the past two years regional centers have necessarily had to focus on implementing a significant number of new trailer bill requirements, which undoubtedly have made it more challenging for the Department and regional centers to devote the time required to provide leadership around the more complex issue of equal access, which one regional center director described as the “... issue that has bedeviled our system for years and years.” In addition, some of the budget changes may have changed services in an unintended, but particularly disadvantageous way for individuals from underserved communities. For example, did taking the Early Start program to the federal minimum requirements make it less likely that families of color would initially access regional center services? Or, did caps on respite services disproportionately impact minority families who were more likely to value that service given the lower rates of out-of-home placements in some communities? Or, did changes requiring parents to participate in orientation or behavioral therapy sessions impact low income families who have less time to participate in those requirements due to work demands? While we don’t know the answers to these questions, future work on fair and equal access to services may want to consider the impact of budget driven requirements on access to services.

While we have not made significant progress in addressing these barriers, there have been some successes. For example, in 2005 we were able to work with the Department to ensure that hearing forms, including the Notice of Proposed Action and Fair Hearing Request forms, were translated into 11 additional languages. We appreciate DDS’ efforts in this regard. More recently, Disability Rights California has worked with one regional center to provide joint training for consumers and their families from the African American and Latino communities about regional center services and special education and we are in the planning phase with another regional center to provide joint training for Vietnamese and Hmong consumers and families. We believe these joint initiatives provide a promising practice of

³ See Senate Appropriations Committee Fiscal Summary for AB 2204 (Beall).

ensuring that consumers and families from traditional minority communities have access to information about their rights and services and benefits available from a variety of disability programs.

California is the most culturally and linguistically diverse state in the nation and DDS data shows that nearly 60% of consumers in the developmental disabilities service system are from traditional minority communities. As a state we can and must do better towards ensuring that all individuals with autism spectrum disorders and other developmental disabilities, regardless of race or ethnicity or geographic regions in the state, have fair and equal access to regional center services, other health and human service programs and education. It is no longer time to discuss whether there are disparities, but instead to look forward and provide leadership to ensure that disparities are addressed.

We encourage the convening of a statewide commission to specifically look at solutions to address issues concerning racial, ethnic and geographic disparities. The solutions should include:

1. Ensure that all consumers and their families have access to information about the service delivery system in languages which they can understand, including information about the range of services available and how consumers and parents can meaningfully participate in the IPP process.
2. Strategies to help regional centers meet their language access obligations, including providing interpreters at IPP meetings and a written translation of the IPP in a timely manner.
3. Ensure greater consistency with eligibility standards and services, so that families of children with autism spectrum disorders and individuals with other developmental disabilities can anticipate the same eligibility decisions and receipt of similar services between regional center catchment areas.
4. Review and ensure that the array of services offered by regional centers reflect norms of individuals and their families, and that services are offered by vendors who have culturally and linguistically competent staff.

5. Ensure that the twenty-one Regional Center Boards are reflective of the ethnic diversity of their catchment area and that any statewide stakeholder groups are reflective of the ethnic and language diversity of the state.
6. Develop a mechanism to publicly report on expenditures for the purchase of services and denials/termination of eligibility aggregated by race and ethnicity of the consumers.

DRC is dedicated to working with stakeholders within the developmental disabilities system to ensure that the promises of the Lanterman Act are achieved for all Californians with developmental disabilities and their families. We think this can best be accomplished by a clear, focused, deliberate and collaborative effort to identify strategies and approaches to eliminate any service disparities and efforts to enhance the system, so that it models cultural and linguistic competence in all aspects of service delivery.

DARRELL STEINBERG
CHAIR

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Ensuring Fair & Equal Access to Regional Center Services
for Autism Spectrum Disorders (ASD)

APRIL 30, 2012 (10AM to Noon)
The State Capitol Building; Room 3191

AGENDA

- I. **Welcome & Opening Remarks** (10-10:05AM)
Senator Darrell Steinberg and Members
- II. **An Overview of California's Services for Individuals with ASD**
(10:05-10:20AM)
Terri Delgadillo, *Director, Department of Developmental Disabilities*
 1. The Lanterman Act
 2. The California Regional Center System – Structure, Operations, Funding, Oversight.
- III. **Identifying the Gaps & Inequities in Regional Center Services for ASD**
(10:20-10:45AM)
Areva Martin, *Martin & Martin & Co-Founder, Special Needs Network*;
Dr. BJ Freeman, *Clinical Psychologist, Professor Emerita, UCLA School of Medicine*;
Martha Matthews, *Directing Attorney, Children's Rights Project, Public Counsel*;
Catherine Blakemore, *Executive Director, Disability Rights California*
 1. Public Policy Perspective and an Overview of the Issues
 2. The Impact of Disparities in Early Intervention Services on the Lives of Children with ASD and Their Families.
 3. A Synopsis of the Data, Information & Studies on the Distribution of Services for ASD and Other Developmental Disabilities.

IV. Regional Centers & Their Systems of Care (10:45-11:10 AM)

Jim Burton, *Executive Director, Regional Center of the East Bay;*

George Stevens, *Executive Director, North Los Angeles County Regional Center;*

Dexter Henderson, *Executive Director, South Central Los Angeles Regional Center;*

Robert Riddick, *Executive Director, Central Valley Regional Center*

1. Regional Center Funding & Services for Individuals with ASD
2. Innovative Approaches to Effective Community Outreach

**V. Moving Towards a Solution: Recommendations & Discussion
(11:10-11:45AM)**

Dr. Sergio Aguilar-Gaxiola, *Director, UC Davis Center for Reducing Health Disparities;*

Dr. Barbara Wheeler, *Associate Director, USC University Center for Excellence in
Developmental Disabilities, Children's Hospital Los Angeles;*

Dr. Jan Blacher, *Distinguished Professor of Education-UC Riverside & Founding
Director, SEARCH;*

Rocio deMateo Smith, *Executive Director, Area 5 Board-State Council on
Developmental Disabilities;*

Phil Bonnet, *Executive Director, Alta California Regional Center;*

Areva Martin, *Martin & Martin & Co-Founder, Special Needs Network*

VI. Public Comment (11:45-11:55AM)

VI. Closing Comments & Adjournment (11:55AM-12:00PM)

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Ensuring Fair & Equal Access to Regional Center Services for ASD

April 30, 2012 (10AM to Noon)

The State Capitol Building, Room 3191

HEARING OVERVIEW

Agenda item II: An Overview of California's Services for Individuals with ASD

The hearing will begin with a review of the Lanterman Act by **Ms. Delgadillo**, Director, Department of Developmental Services (DDS). This statute, enacted by the California in 1969, sets out the rights and responsibilities of persons with developmental disabilities, and creates the agencies, including regional centers, responsible for planning and coordinating services and supports for persons with developmental disabilities and their families. This entitlement means that individuals with developmental disabilities (mental retardation, cerebral palsy, epilepsy, autism, pervasive developmental disorder-not otherwise specified) and their families have the right to receive services and supports which will enable them to make decisions and choices about how, and with whom, they want to live their lives; achieve the highest self-sufficiency possible; and lead productive, independent and satisfying lives as part of the communities in which they live.

Ms. Delgadillo will provide an overview of DDS, which has the responsibility of providing statewide policy direction and leadership to ensure that persons with developmental disabilities shall have the opportunity to lead more independent, productive and satisfying lives. She will also review the funding streams, as well as the requisite monitoring/oversights, by which DDS contracts with regional centers provide

the services and supports best suited to each individual consumer. The regional center has the mandate to ensure that the consumers for whom it is responsible receive services and supports which will assist them in living productively in their communities. The regional center may accomplish this task by securing services and supports directly, or by assisting consumers and families to locate and access services and supports from other agencies.

Agenda Item III: Identifying Gaps & Inequities in Regional Center Services for ASD

This panel will initiate a discussion on identifying the gaps and challenges that face underserved communities in accessing appropriate services and interventions for children with ASD. **Ms. Martin**, a nationally recognized disability rights attorney/advocate and co-founder and President of the Special Needs Network, Inc., will provide a public policy perspective on the inequities that currently face many families of color and those in low-income communities. **Dr. Freeman**, Professor Emerita of Medical Psychology, UCLA School of Medicine and internationally recognized authority on ASD, will discuss the impact of disparities in early intervention services on the lives of children with ASD and their families. **Ms. Matthews**, Directing Attorney of the Children's Rights Project at Public Counsel, will discuss data and legal efforts to promote the equitable distribution of services for ASD and other developmental disabilities. Public Counsel is the largest pro bono law office in the nation and impacts a wide spectrum of people who live at or below the poverty level. Volunteer attorneys work extensively in the areas of children's rights, early care, and education. **Ms. Blakemore**, Executive Director of Disability Rights California, the agency established under federal law to protect and advocate for individuals with disabilities. She will discuss state and national efforts to enhance the rights of individuals with ASD and other disabilities.

Agenda Item IV: Regional Centers and Their Systems of Care

This panel will focus on services and supports that are provided by regional centers to individuals with ASD and their families. The 21 regional centers, distributed throughout California, are 501C3 non-profit corporations designated by the Lanterman Act as having the responsibility of providing life-long services to consumers and their families. These supports include: community outreach, eligibility assessment/evaluation, preventive counseling/services, services for infants at high risk for developmental disabilities, service coordination, cost-effective, flexible, services/supports that are individualized and promote community integration,

assurance of quality/effective supports, and protection of consumer civil/legal rights. Consumers obtain regional center services by the development of an Individual Program Plan (IPP), through a person-centered planning process, which states the specific outcomes the consumer is trying to achieve, and the services and supports required to meet those outcomes.

In addition, the Lanterman Act requires the regional centers be accountable for the monies received to ensure the following: 1) Operate with a specified annual budget; 2) Develop innovative and cost effective ways to achieve the desired outcomes for consumers; 3) Secure services from qualified service providers, and only continue those services where there is reasonable progress; 4) Take into account parental responsibility for minor consumers when making a decision about the purchase of services or supports, but provide funds only for those interventions that are above what a parent would provide for a child without a disability; 5) Pursue all possible sources of funding, and ensure that the regional center does not pay for services and supports which should be provided by a generic agency such as the Department of Education.

Mr. Burton, Executive Director of the Regional Center of the East Bay, will provide an overview of the funding streams and process by which regional centers budgets established and purchase of services funds are allocated. Mr. Burton has a degree in economics from U.C. Berkeley and previously served for 25 years as a regional center chief financial officer. **Mr. Stevens**, Executive Director of the North Los Angeles County Regional Center, is a licensed clinical social worker and a political science graduate from UCLA. He will discuss the Individual Program Plan (IPP) and the process by which the needs of ASD consumers are assessed and implemented. Subsequent presentations by **Mr. Henderson**, Executive Director, South Central Los Angeles Regional Center, and **Mr. Riddick**, Executive Director, Central Valley Regional Center, will discuss programs by which their respective regional centers are providing innovative approaches for effective community outreach, with a particular emphasis on reaching underserved communities. Mr. Henderson has provided civic leadership capacities including serving on the Inglewood School District Board of Trustees, Los Angeles City Disability Compliance Program, and South Center Los Angeles Low Income Housing Project. Mr. Riddick is a licensed clinical social worker and has served as Co-Chair of the Central Valley Autism Regional Taskforce.

Agenda Item V: Moving Towards a Solution.

The final panel will provide an opportunity for an interactive discussion on potential

next steps and specific recommendations to address the inequities and reduce the barriers that have been identified during this hearing. The framework for this discussion will be provided by an esteemed panel of researchers and advocates.

Dr. Aguilar-Gaxiola, Professor of Medicine, UC Davis School of Medicine and Founding Director of the Center for Reducing Health Disparities, will review the challenges of providing appropriate and equitable healthcare to minorities and underserved populations. **Dr. Wheeler**, Associate Director, USC Center of Excellence in Developmental Disabilities, will review her extensive research in studying and addressing racial disparities for individuals with developmental disabilities. **Dr. Blacher**, Distinguished Professor of Education, UC Riverside and Founding Director of SEARCH-a newly established family resource center, will outline her innovative approaches to effective community outreach for ASD with particular emphasis on connecting with Latino families who are often living in remote, rural areas. **Ms. deMateo Smith**, Executive Director, Area Board 5 on Developmental Disabilities, will provide specific recommendations for providing supports and services to Latino families who are in an urban environment. **Mr. Bonnet**, Executive Director, Alta California Regional Center in Sacramento, and **Ms. Martin** will also participate in this discussion.

The hearing will conclude with "public input" and "closing comments" by the Committee Members.

Respectfully submitted,

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Ensuring Fair & Equal Access to Regional Center Services for ASD

April 30, 2012 (10AM to Noon) The State Capitol Building, Room 3191

BACKGROUND & REVIEW OF THE LITERATURE

The Autism Epidemic

Autism spectrum disorders (ASD) are complex neurological disorders that have an onset in infancy and can cause mild to severe difficulties in childhood development, including language delays, communication problems, limited social skills, and repetitive and other unusual behaviors. Although the etiology of ASD is unknown, experts believe there is more than one cause for ASD. Genetics appear to play a role, and there is growing scientific evidence about the role of environmental influences. Research is underway to investigate the extent genetic and environmental factors contribute to ASD.

The dramatic growth in the number of children diagnosed with ASD in California and the United States is a public health crisis that must be addressed. A recent study (TAB 1) by the U.S. Centers for Disease Control & Prevention (CDC) reported that the prevalence of ASD, based on data analyzed from 2008, had risen to 1 in every 88 children (1.13 percent). Within this study that included 337,093 children, one in 54 boys and one in 252 girls were identified with ASD. This report indicated that ASD prevalence had increased 23 percent from the prior analysis in 2006 and that the incidence of ASD has almost doubled in just six years (2002 incidence 6.4 per 1,000 vs. 2008 incidence 11.4 per thousand.) The increase in ASD over the past six year was similar for both males and females. During the past two years of this study there was a marked spike in the prevalence of ASD among children of color with 42 percent increase among black children; a 29 percent increase among Hispanic children, and only a 16 percent ASD prevalence increase among white children.

Racial & Ethnic Disparities in ASD

(The demographic and ethnic/racial terms used in the following discussion will vary to appropriately reflect the designations used in each of the studies that are cited)

According to the CDC (TAB 1), the prevalence of ASD also varies significantly by racial/ethnic demographics and can be summarized as follows: non-Hispanic white children = 1.2 percent or one for every 83 children; non-Hispanic black children = 1.02 percent or one per 98 children; Hispanic children = .08 percent or one per 127 children. Only two of the 14 CDC monitoring sites reported an incidence of ASD among Hispanic children that was comparable to the incidence noted in non-Hispanic white children.

Children of color with ASD are also diagnosed at an older age. In 2002 Dr. Mandell and colleagues reported [*Race Differences in the Age at Diagnosis Among Medicaid-Eligible Children with Autism*, J Am. Acad. Child Adolesc. Psychiatry (2002) 14:12, 1447-1453] that among 406 children receiving Medicaid services, white children with ASD were diagnosed at an average age of 6.3 years as compared to 7.9 years for black children and 8.8 years for Latino children. Seventy-two percent of white children and 58 percent of African-American children were diagnosed with ASD on their first mental health evaluation. Black children required three times the number of visits over a period three times as long, while Latino children required twice as many visits as white children before being appropriately diagnosed with ASD. These authors concluded that important sociocultural factors were associated with the appropriate evaluation and diagnosis of ASD.

A study of 406 ASD children [Mandell, *Disparities in Diagnoses Received Prior to a Diagnosis of ASD*, J Autism Dev. Disord. (2007) 37:9, 1795-1802] confirmed that African-American children were 2.6 times less likely than white children to be appropriately diagnosed with ASD on their first specialty evaluation. Importantly, this study noted that racial disparities existed during the evaluation process and that African-American children were nearly three times more likely than white children to receive another diagnosis, which most often was considered to be a "conduct or adjustment disorder."

A subsequent study of 2568 children with ASD [Mandel, *Racial/Ethnic Disparities in the Identification of Children with Autism Spectrum Disorders*, Am. J. of Public Health (2009) 99:3, 493-498] also concluded that significant racial/ethnic disparities existed in the recognition of ASD and that children who were black had a significantly greater degree of intellectual impairment while children who were Hispanic or of other ethnicity manifested a high incidence of co-occurring intellectual disabilities. These authors suggested that "racial differences in diagnostic patterns might be attributable to

institutional factors such as access to health care, general prejudices held by clinician, clinicians' and families' interpretation of symptoms and clinicians' erroneous interpretation of algorithms on the likelihood of a child having ASD." The study emphasized the important of identifying and implementing strategies that will lead the early identification of children with ASD who currently are overlooked.

The significance of socioeconomic, psychosocial, and cultural factors in the evaluation and treatment of ASD are considered to be very important, but unresolved, issues. According to data from the National Survey of Children's Health (Tab 1), the prevalence of ASD was lower for Latinos than for non-Latinos while children that were white and African-American had comparable rates. Latinos and poor families rated their children's autism as being more severe. Being black, Latino, or poor was associated with decreased access to services.

Researchers in Atlanta, Georgia, that followed children with ASD in from 2000 to 2006, concluded that non-Hispanic black children had more severe manifestations of ASD than white children. However, the potential underlying causes and precipitating factors for these disparities remain issues of ongoing investigation. For example, data from the Texas Educational Agency (Palmer, *Explaining Low Rates of Autism Among Hispanic Schoolchildren in Texas*, Am. J of Public Health (2010) 100:2, 270-272) indicate that although ASD rates were two to three times higher among non-Hispanic whites as among Hispanics, socioeconomic factors failed to explain the much lower ASD prevalence among Hispanic schoolchildren in Texas. In contrast, a recent study (Fountain, *Six Developmental Trajectories Characterize Children with Autism*, Pediatrics (2012) 129:5, 2011-2020) underscored the potential significance of socioeconomic factors. In the longitudinal evaluation of 6,000 children with ASD receiving regional center services, researchers concluded that low-functioning children were more likely to have mother who were minority/foreign born, less educated, and on Medi-Cal while high-functioning children were more likely to have mother who were white, more educated and not on Medi-Cal.

Disparities in Mental Health Services

The U.S. Surgeon General, in an extensive 200-page report published in 2001, noted that minorities and underserved communities face significant challenges in obtaining mental health services and that these groups are more likely to receive poor quality care. The key findings of this report included:

- Disproportionate numbers of African Americans are represented in the most vulnerable segments of the population – people who are homeless, incarcerated,

in the child welfare system, victims of trauma – all populations with increased risks for mental disorders;

- Most Hispanic-Americans have limited access to ethnically or linguistically similar providers.
- The suicide rate among American Indians/Alaska Natives is 50 percent higher than the national rate
- Asian Americans/Pacific Islanders who seek care for a mental illness often present with more severe illnesses than do other racial or ethnic groups.

A study by Dr. Aguilar-Gaxiola (*Disparities in Mental Health Status and Care in the U.S. Population Mental Health: Evidence, Policy, and Public Health Practice*; (2010) Taylor & Francis Books, 69-91) also provides a comprehensive review of disparities in the mental health status and care in the U.S. This study notes that while minorities (Latino, African-American, Asian American and Pacific Islanders) tend to have a lower prevalence of psychiatric disorders, these groups tend to have more persistent illnesses, with symptoms that may be more severe and disabling. Furthermore, immigrants were less likely to see physicians and also to use medications than their U.S.-born counterparts but it was unclear whether these disparities were related to stigma, lack of access to medical care and outpatient therapy for mental health issues, or fragmented case management.

The National Institute on Minority Health & Health Disparities states that disparate mental health status can be attributed to a complex interaction among multiple factors. Socioeconomic differences are largely responsible for the widening differences in health status among racial and ethnic lines. But, even after controlling for socioeconomic status, there seem to be other factors that further influence health disparities, including gender, genetics, environment, and racial bias. Access, utilization, and quality of medical care contribute to these inequities. And, language and culture pose additional barriers to good health for racial and ethnic minorities and other medically underserved individuals. Barriers to mental health care include the cost of care, societal stigma, and the fragmented organization of services. Additional barriers include the client's fear and mistrust of treatment.

Researchers (Tab 1) have provided specific strategies to mitigate and correct these racial and ethnic disparities in pediatric mental health that include:

1. Appointing a government taskforce to address the current gaps and unmet needs.

2. Evaluating the role of community-sources of care such as schools and community agencies.
3. Providing culturally appropriate information to assist parents and families in making informed decisions about mental health evaluation and therapy.
4. Evaluating treatment preferences among minority youths and their families and ensuring that minority parents collaborate with providers in order to ensure that cultural values are acknowledged and maintained.
5. Providing assessment instruments that are culturally appropriate for minority populations.

Racial & Ethnic Disparities in Healthcare

Information from the Agency for Healthcare Research and Quality (AHRQ) as well as the 2010 National Healthcare Disparities Report noted that disparities are most easily identified when there is a clear reference point for what is appropriate and reasonable to expect. Although there may be uncertainty regarding many aspects of clinical care, and variation in patients' medical conditions and severity of illness, there should be little deviation from specific quality measures associated with population. This report provided compelling evidence of healthcare inequalities in the U.S. and specific examples that included the following:

- About 30 percent of Hispanic and 20 percent of black Americans lack usual sources of healthcare as compared with less than 16 percent of whites; Hispanic children are nearly three times as likely as non-Hispanic white children to lack a usual healthcare source.
- African Americans and Hispanic Americans are far more likely to rely on hospitals or clinics for their usual source of healthcare (16 percent & 13 percent respectively vs. 8 percent for white Americans.)
- Minorities are more likely to be diagnosed with late-stage breast cancer colorectal cancer compared with whites.
- Patients of lower socioeconomic position are less likely to receive recommended diabetic services and more likely to be hospitalized for diabetes.
- When hospitalized for acute myocardial infarction, Hispanics are less likely to receive optimal care.
- Infants born to black women are 1.5 to 3 times more likely to die than infants born to women of other races/ethnicities.

- Many racial and ethnic minorities and persons of lower socioeconomic position are less likely to receive childhood immunizations.
- Many racial and ethnic minorities and individuals of lower socioeconomic status are less likely to receive recommended immunizations for influenza and pneumococcal disease.

These studies identified complicated interrelationships between race, ethnicity, and socioeconomic status that may result in healthcare disparities. However, a consistent and pervasive finding included the lack of information and knowledge that was provided to underserved communities and included the following examples:

- Significantly lower rates of smoking cessation offered to minority patients.
- Many racial and ethnic groups, as well as poor and less educated patients, reported having poor communication with their physicians and more problems with some aspects of patient-provider relationships.
- Asians, Hispanics, and those of lower socioeconomic status had greater difficulty accessing health care information, including information on prescription drugs.

There are also large racial/ethnic disparities in preventable hospitalizations with blacks experiencing a rate more than double that of whites. Data from the AHRQ indicates that eliminating these disparities would prevent approximately one million hospitalizations and save \$6.7 billion in healthcare costs annually. Furthermore, the Joint Center for Political & Economic Studies reported the following:

- Between 2003-2006, 30.6 percent of medical care expenditures for African Americans, Hispanics and Asians were excess costs due to health inequities.
- Between 2003-2006, the combined costs of health inequities and premature death in the U.S. were \$1.24 trillion.
- Eliminating health disparities for minorities would have reduced direct medical care expenditures by \$119.4 billion for the years 2003-2006.

Ethnic and social class disparities are evident across a broad spectrum of markers of psychological, behavioral and physical health (Tab 1). These patterns frequently involve complex interactions of numerous risk factors (e.g. poverty, lack of contextual diversity, linguistic barriers) and protective dynamics (e.g. family support, cultural identity.) Thus, any evaluation and analysis of services for ASD must be considered within the context of our current healthcare system.

The Series on Autism Reported in the Los Angeles Times

In December, 2011, the Los Angeles Times staff writer Alan Zarembo and his data team authored a four part series on autism (Tab 3) that was based on extensive interviews with researchers, parents, clinicians, educators and other stakeholders. In addition to an extensive review of scientific studies, Mr. Zarembo and his team apparently reviewed thousands of pages of information obtained from the California Department of Developmental Services (DDS) and other sources. The ensuing series included:

1. Part 1: An Epidemic of Disease or Discovery?
2. Part 2: Services Go to Those That Fight the Hardest.
3. Part 3: Families Chase the Dream of Recovery.
4. Part 4: Finding Traces of Autism in Earlier Eras.

The series provided a multifaceted and kaleidoscopic view of ASD. Furthermore, these articles provided data and information with regards to potential inequities in ASD services by regional centers that are highly relevant to this hearing and can be summarized as follows:

- For 3-6 year old children with ASD, DDS spent an average of \$11,723 per child on whites, compared with \$11,063 on Asians, \$7,634 on Latinos, and \$6,593 on blacks.
- In 2010 regional centers provided services to 16,367 autistic children 3-6 years of age with an average of \$9,751 per case statewide. However, these expenditures varied widely from an average of \$1,991 per child at the regional center in South Los Angeles to \$18,356 at the one in Orange County.
- At 14 of the 21 regional centers, average spending on white children exceeded that for both blacks and Latinos.
- At the Lanterman Regional Center spending on white youngsters with ASD averaged \$12,794 per child, compared with \$9,449 for Asians, \$5,094 for blacks, and \$4,652 for Latinos.
- Anecdotal reports that aggressive and informed parents are much more likely to obtain more extensive regional center services for ASD.
- Anecdotal indications that minorities and underserved communities face formidable challenges and barriers in accessing appropriate ASD

Disparities in accessing ASD services from school districts and other providers were also reviewed in the L.A. Times series. However, inequities in educational services and community-based supports, while of critical concern and importance, are beyond the scope of today's hearing.

Respectfully submitted,

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